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April 13, 1988

Briefings on How To Use the Federal Register—
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issue.



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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

- WHEN:** April 15; at 9:00 a.m.
- WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC
- RESERVATIONS:** Carolyn Payne, 202-523-3187

BOSTON, MA

- WHEN:** April 19; at 9 a.m.
- WHERE:** Thomas P. O'Neill, Jr. Federal Building,
Auditorium,
10 Causeway Street,
Boston, MA.
- RESERVATIONS:** Call the Boston Federal Information Center, 617-565-8123

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Rules and Regulations

The following rules and regulations are to be observed by all members of the organization.

1. The organization is a non-profit organization and its primary purpose is to promote the welfare of its members.

2. The organization is open to all persons who are interested in the promotion of the welfare of the community.

3. The organization is a democratic organization and its affairs are conducted in accordance with the principles of democracy.

4. The organization is a voluntary organization and its members are expected to contribute to its work in accordance with their ability.

5. The organization is a responsible organization and its members are expected to conduct themselves in a responsible manner.

MEMBERSHIP

There are two classes of members: Full Members and Associate Members.

Full Members are those who have contributed to the organization for a period of one year and have been recommended by the Executive Committee.

Associate Members are those who have contributed to the organization for a period of six months and have been recommended by the Executive Committee.

Members are expected to contribute to the organization in accordance with their ability and to conduct themselves in a responsible manner.

Members are expected to attend the meetings of the organization and to participate in its work.

Members are expected to pay the dues of the organization in accordance with the schedule of dues.

Members are expected to contribute to the organization in accordance with the schedule of contributions.

Members are expected to conduct themselves in a responsible manner and to be loyal to the organization.

Members are expected to be active in the work of the organization and to contribute to its welfare.

Members are expected to be honest and to be fair in their dealings with the organization.

Members are expected to be respectful and to be courteous in their dealings with the organization.

Members are expected to be obedient and to follow the rules and regulations of the organization.

Members are expected to be diligent and to be industrious in their work.

Members are expected to be faithful and to be true to the organization.

Members are expected to be brave and to be courageous in their work.

Members are expected to be kind and to be gentle in their dealings with the organization.

Members are expected to be patient and to be tolerant in their dealings with the organization.

Members are expected to be humble and to be lowly in their dealings with the organization.

Members are expected to be meek and to be mild in their dealings with the organization.

Members are expected to be gentle and to be kind in their dealings with the organization.

Members are expected to be patient and to be tolerant in their dealings with the organization.

Rules and Regulations

Federal Register

Vol. 53, No. 71

Wednesday, April 13, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 600

Financial Assistance; Revised Policy on Restricting Eligibility for Financial Assistance Awards

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The final rule being issued today by the Department of Energy (DOE) amends Subparts A and B of the Financial Assistance Rules to establish an additional method by which eligibility to receive a DOE financial assistance award may, under appropriate circumstances, be restricted to a single applicant and to provide additional guidance concerning the documentation required for noncompetitive awards. These changes reflect the Department's continuing commitment of fully informing the public of DOE's awarding decisions while providing for more flexibility in the situations in which non-competitive awards can be made.

EFFECTIVE DATE: Effective May 13, 1988 and this revision will apply to applications received after May 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Edward F. Sharp, Business and Financial Policy Division (MA-422), U.S. Department of Energy, Washington, DC 20585, (202) 586-8192.
Christopher Smith, Office of the Assistant General Counsel for Procurement and Finance (GC-34), U.S. Department of Energy, Washington, DC 20585, (202) 586-1526.

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- II. Changes to 10 CFR Part 600
- III. Discussion of Comments on Proposed Rule

IV. Review under Executive Order 12291
V. Review under the Regulatory Flexibility Act

VI. Review under the Paperwork Reduction Act

VII. Review under the National Environmental Policy Act

I. Introduction

With this final rule, DOE is amending its Financial Assistance Rules to provide an additional circumstance under which noncompetitive financial assistance awards (grants and cooperative agreements) can be made and to include more specific guidance related to those awards.

DOE prefers to award discretionary financial assistance on the basis of solicitations which provide for the maximum amount of competition feasible (see § 600.6(b)). While that continues to be the preference, it is DOE's experience that competition cannot always be assured and that administratively controlled methods of funding noncompetitively must be available to the Department.

At present, the Financial Assistance Rules explicitly provide two methods by which the Department may make a financial assistance award under circumstances of restricted eligibility: acceptance of an unsolicited application on the basis of selection criteria oriented to a research project (§ 600.14(e)), or in response to applications received under a solicitation which restricts eligibility to a class(es) of eligible applicants (§ 600.7(b)) (limited competition), e.g., a solicitation to which only universities having nuclear reactors could respond. These two categories of restricted eligibility do not, however, provide a clear basis for restricting eligibility and making an award to only one applicant (noncompetitive), when competition is not practical. Over the years, DOE has found it necessary to occasionally restrict eligibility to one applicant. Therefore, DOE is establishing administrative review criteria which are to be used in situations where it is necessary or appropriate to restrict eligibility noncompetitively to only one applicant. The criteria applicable to circumstances in which eligibility is restricted to a single applicant will be contained in a determination of noncompetitive financial assistance (DNCFA). In addition, a change is being made to the provision concerning

unsolicited applications in order to expand and clarify the requirements related to accepting an unsolicited application.

II. Changes to 10 CFR Part 600

Section 600.6 is amended by revising paragraph (a) and adding a new paragraph (b) to distinguish the bases for making new and renewal discretionary financial assistance awards. Paragraph (a)(2) is revised to clarify that the selection criteria found at § 600.14(e)(1) must be satisfied in order for a new award to be made under that authority. In addition, § 600.6 is revised by adding new paragraphs (a)(5) and (a)(6) which identify the applications which use a DNCFA as a basis for making a discretionary financial assistance award.

Section 600.7(b) is revised by redesignating existing paragraph (b) as paragraph (b)(1) and by creating a new paragraph (b)(2) which sets forth the management controls over the added category of authorized noncompetitive assistance awards. Those controls include justification criteria and documentation, signature, and publication requirements (including the addition of a 14-day public comment period).

Section 600.14 is amended by correcting a typographical error in paragraph (e)(1)(ii) and by the redesignation of existing paragraph (f) as paragraph (g), and existing paragraph (g) as paragraph (h) and by inserting a new paragraph (f) to specify the documentation, signature, and publication requirements (including a 14-day public comment period) for the justification for acceptance of an unsolicited application. DOE believes that it is desirable that the public be aware of these requirements.

Section 600.106 is amended by revising paragraph (c) to reflect the policies of § 600.7(b)(2) for determinations of noncompetitive financial assistance.

III. Discussion of Comments on Proposed Rule

On September 17, 1987 (52 FR 35111), DOE published proposed rules to change some procedures regarding justifying restricted eligibility grants. Written comments were to be submitted by October 19, 1987. No public comments

were received. Minor changes have been made based on comments by DOE staff.

IV. Review Under Executive Order 12291

This rule has been reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that it is not a "major rule" because its promulgation will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete in domestic or export markets. In accordance with requirements of the Executive Order, this rulemaking has been reviewed by the Office of Management and Budget (OMB).

V. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, 94 Stat. 1164, which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities; i.e., small businesses, small organizations, and small governmental jurisdictions. DOE has concluded that the rule would only affect small entities as they apply for and receive grants and does not create significant economic impacts on small entities because it involves narrow revisions to existing regulations on non-competitive awards which will not impose costly compliance burdens and which will neither advantage nor disadvantage small entities in terms of obtaining financial assistance. DOE certifies that the rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

VI. Review Under the Paperwork Reduction Act

No information collection or recordkeeping requirements are imposed upon the public by this rule. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulations at 5 CFR Part 1320.

VII. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of these wholly procedural rules clearly

would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.* (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the DOE guidelines (10 CFR Part 1021) and, therefore, does not require an environmental impact statement pursuant to NEPA.

List of Subjects in 10 CFR Part 600

Administrative practice and procedure, Cooperative agreements/energy, Copyright, Debarment and suspension, Educational institutions, Energy, Grants/energy, Hospitals, Indian tribal governments, Individuals, Inventions and patents, Nonprofit organizations, Reporting requirements, Small businesses.

In consideration of the foregoing, the Department of Energy hereby amends Chapter II of Title 10 of the Code of Federal Regulations by amending Part 600 as set forth below.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

PART 600—[AMENDED]

For the reasons set out in the preamble, Part 600 of Chapter II, Title 10 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 600 continues to read as follows:

Authority: Sec. 644 and 646, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L. 97-258, 96 Stat. 1003-1005 (31 U.S.C. 6301-6308).

2. Section 600.6 is revised to read as follows:

§ 600.6 Discretionary awards.

(a) DOE may make new discretionary financial assistance awards on the basis of:

(1) Applications submitted in response to a financial assistance solicitation (See § 600.9);

(2) Unsolicited applications satisfying the selection criteria of § 600.14(e)(1);

(3) Applications submitted in response to a Program Opportunity Notice (PON) (see 48 CFR 917.72 for the submission, evaluation, and selection procedures to be used for a PON. When it is anticipated that a PON will result in a financial assistance award(s), the procedures in 48 CFR 917.72 shall be supplemented by the provisions set forth in §§ 600.9 and 600.10 to cover those solicitation and application requirements which are specific to financial assistance and for which there is no alternative coverage in 48 CFR

917.72; e.g., presubmission reviews and clearances, preaward assurances, etc.);

(4) Applications submitted in response to a Program Research and Development Announcement (see 48 CFR 917.73) if, after an application is selected for award, DOE determines that a grant or cooperative agreement is the appropriate award instrument;

(5) An application for an award to be made on a noncompetitive basis under § 600.7(b)(2); or

(6) Unsolicited applications which do not satisfy the selection criteria of § 600.14(e)(1)(ii) if such applications do satisfy one or more of the selection criteria of § 600.7(b)(2)(i).

(b) DOE may make renewal discretionary financial assistance awards on the basis of:

(1) Applications submitted in response to a financial assistance solicitation; or

(2) An application from an incumbent recipient if the award has been justified in accordance with § 600.7(b)(2).

(c) DOE shall solicit applications for discretionary financial assistance in a manner which provides for the maximum amount of competition feasible.

3. Section 600.7 is amended by revising paragraph (b) to read as follows:

§ 600.7 Eligibility.

(b)(1) *Restricted eligibility.* If DOE restricts eligibility in a solicitation or program rule to less than all otherwise eligible applicants under paragraph (a) of this section, an explanation of why the restriction of eligibility is considered necessary shall be included in the solicitation or program rule. If the aggregate amount of DOE funds available for award under such a solicitation other than a program rule exceeds \$250,000, such restriction of eligibility shall be supported by a written determination initiated by the responsible program office, which has been:

(i) Approved by the responsible program Assistant Secretary or his or her designee, who shall be at an organizational level not less than two levels above that of the project officer, and the Contracting Officer for the awarding office issuing the solicitation and

(ii) Concurred in by local legal counsel. If the aggregate amount of DOE funds available for award is \$250,000 or less, the written determination is to be approved by the Head of Contracting Activity (HCA) for the awarding office that will be issuing the solicitation and

the Contracting Officer. Concurrence may be waived for a particular award or class of awards of \$250,000 or less by local legal counsel, if they so elect.

(2) *Noncompetitive financial assistance.* DOE may award a grant or cooperative agreement on a noncompetitive basis (other than as a result of the acceptance of an unsolicited application meeting the selection criteria of § 600.14(e)(1)(ii) or an application for a continuation award in accordance with § 600.106(b)) only if the application satisfies one or more of the selection criteria in paragraph (b)(2)(i) of this section and is supported by a written determination of noncompetitive financial assistance prepared in accordance with the provisions of paragraphs (b)(2)(ii) and (iii) of this section. In addition, an announcement of the intent to make a noncompetitive financial assistance award and an explanation of why a noncompetitive financial assistance award is necessary shall be published in the *Federal Register* at least 14 calendar days prior to making an award. Public comments (or inquiries) to this announcement must be resolved by the DOE office issuing such announcement. Any such noncompetitive financial assistance is not subject to the solicitation requirements of § 600.9.

(i) *Criteria for justifying noncompetitive financial assistance.* In order for a noncompetitive award to be made under the authority of paragraph (b)(2) of this section, it must satisfy one or more of the following selection criteria in addition to the types of factors listed in § 600.14(d):

(A) The activity to be funded is necessary to the satisfactory completion of, or is a continuation or renewal of, an activity presently being funded by DOE or another Federal agency, and for which competition for support would have a significant adverse effect on continuity or completion of the activity.

(B) The activity(ies) is (are) being or would be conducted by the applicant using its own resources or those donated or provided by third parties; however, DOE support of that activity would enhance the public benefits to be derived and DOE knows of no other entity which is conducting or is planning to conduct such an activity(ies).

(C) The applicant is a unit of government and the activity to be supported is related to performance of a governmental function within the subject jurisdiction, thereby precluding DOE provision of support to another entity.

(D) The applicant has exclusive domestic capability to perform the activity successfully, based upon unique

equipment, proprietary data, technical expertise, or other such unique qualifications.

(E) The applicant implements an agreement between the United States Government and a foreign government to fund a foreign applicant.

(F) Time constraints associated with a public health, safety, or welfare or national security requirement preclude competition.

(G) The responsible Assistant Secretary, with the approval of the Director, determines that a noncompetitive award is in the public interest. This authority may not be delegated.

(ii) *Documentation requirements.* A determination of noncompetitive financial assistance (normally prepared by the responsible program official (project officer)) is required to explain the basis for the proposed noncompetitive award. The determination, the purpose of which is to justify funding on a noncompetitive basis, shall be placed in the award file and must, as a minimum, include the following information:

(A) Name of the sponsoring program office and the awarding office, the type of award proposed (grant or cooperative agreement), and the proposed recipient.

(B) A description of the nature of the financial assistance to be provided (e.g. research grant, conference grant, etc.), the amount and availability of DOE funds required, any cost sharing proposed or required, and the statutory authority for the proposed award.

(C) A statement of whether the application was solicited or unsolicited and the nature of any significant preapplication contact between the applicant and the Department. If received on an unsolicited basis, a statement of why the application does not meet the selection criteria of § 600.14(e)(1).

(D) To the extent relevant, a discussion of the programmatic evaluation conducted and the results of that evaluation, including the overall merit and relevance to the DOE mission, the anticipated objectives and probability of success in meeting them, the quality of the applicant's personnel and facilities, and the appropriateness and adequacy of the proposed budget.

(E) A brief description of the public purpose of support or stimulation to be served by the proposed award and, in nontechnical terms, identification of any particular significance or specialized character of the activity proposed to be funded.

(F) A statement of which one(s) of the criteria in paragraph (b)(2)(i) of this section is (are) being relied upon to

justify the action and an explanation in general, nontechnical detail why each such criterion applies.

(iii) *Approval requirements.* Except as provided below, all determinations of noncompetitive financial assistance under paragraph (b)(2) of this section must be:

(A) Approved, prior to award, by the initiating program official (project officer), the responsible program Assistant Secretary or his or her designee, who shall be not less than two organizational levels above that of the project officer, and the Contracting Officer for the awarding office issuing the solicitation, and

(B) Concurred in by local legal counsel.

Where the amount of DOE funds is \$100,000 or less for a noncompetitive financial assistance award under any program for which the HCA has been formally assigned cognizance, the determination shall be approved by the HCA and the Contracting Officer. Concurrence for a particular award or class of awards of \$100,000 or less may be waived by local legal counsel, if they so elect.

4. Section 600.14 is amended by revising paragraph (e)(1)(ii) and redesignating paragraphs (f) and (g) as (g) and (h) and revising them, and by inserting a new paragraph (f) to read as follows:

§ 600.14 Unsolicited applications.

(e) *Criteria for selection of an unsolicited application.* (1) * * *

(ii) The proposed project represents a unique or innovative idea, method, or approach which would not be eligible for financial assistance under a recent, current, or planned solicitation, or if, as determined by DOE, a competitive solicitation would be inappropriate.

(f) *Justification for acceptance of an unsolicited application.* Prior to making an award on the basis of acceptance of an unsolicited application, a justification document, which describes the results of the general evaluation conducted in accordance with paragraph (d) of this section and which addresses the selection criteria in paragraph (e)(1) of this section, must be prepared and completed for the award file. The justification must be prepared and signed by the initiating program official (project officer), and approved by the responsible program Assistant Secretary or his or her designee; and the contracting officer. If the amount of DOE funds is \$100,000 or less for a proposed noncompetitive financial assistance

award under any program for which the HCA has been formally assigned cognizance, the justification shall be approved by the HCA and the Contracting Officer. Concurrence for a particular award or class of awards of \$100,000 or less may be waived by local legal counsel, if they so elect. Further, an announcement of the intent to award based on an unsolicited application and an explanation of why such an award is being made shall be published for public comment in the *Federal Register* at least 14 calendar days prior to making an award.

(g) *Funding*. An award based on an unsolicited application may be made only if sufficient appropriated funds are available.

(h) *Unsuccessful applications*. DOE shall promptly notify in writing each applicant whose application does not satisfy the requirements of this section. DOE will return unsuccessful unsolicited applications only if requested by the applicant. This request may be made at the time of application or up to 30 days after the date of the written notification required by this paragraph.

5. Section 600.106 is amended by revising paragraph (c) to read as follows:

§ 600.106 Funding.

(c) *Renewal awards*. Discretionary renewal awards may be made either on the basis of a solicitation or on a noncompetitive basis. If DOE proposes to restrict eligibility for a discretionary renewal award to the incumbent grantee, the noncompetitive award must be justified in accordance with § 600.7(b)(2). Renewal applications must be submitted no later than 5 months prior to the scheduled expiration of the project period unless a program rule or other published instruction establishes a different application deadline. Before DOE may make a renewal award for a formula grant, the grantee must submit a revised or amended state plan in accordance with program rules or other instructions from DOE.

[FR Doc. 88-7932 Filed 4-12-88; 8:45 am]

BILLING CODE 6450-01-D

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Organization; Farm Credit System Capital Corp.

AGENCY: Farm Credit Administration.

ACTION: Final rule; withdrawal.

SUMMARY: In accordance with sections 201 and 207 of the Agricultural Credit Act of 1987 (Pub. L. 100-233) which provide for the termination of the Farm Credit System Capital Corporation (Capital Corporation), the Farm Credit Administration withdraws regulations 12 CFR 611.1140-611.1142 relating to the organization and operation of the Capital Corporation.

EFFECTIVE DATE: April 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Gary L. Norton, Senior Attorney, Office of the General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration (FCA) published final regulations 12 CFR 611.1140-611.1142 (51 FR 8665, March 13, 1986), final amendments (52 FR 12135, April 15, 1987) applicable to the Capital Corporation. These regulations implemented the provisions of the Farm Credit Amendments Act of 1985 (Pub. L. 99-205) which provided for the creation and operation of the Capital Corporation. On January 6, 1988 the Agricultural Credit Act of 1987 was enacted. Section 207 of the 1987 Act repealed the provisions of Part D1 of title IV of the 1971 Act, under which the Capital Corporation was chartered and operated. In addition, section 201 of the 1987 Act provided for the creation of the Farm Credit System Assistance Board (Assistance Board) and provided that the Assistance Board would succeed to the assets and liabilities of the Capital Corporation. On January 21, 1988, the FCA chartered the Assistance Board and dissolved and revoked the charter of the Capital Corporation (53 FR 4072, February 11, 1988). To complete the implementation of these provisions of the 1987 Act, the FCA now withdraws its regulations governing the operations of the Capital Corporation.

The FCA finds with good cause that, in accordance with 5 U.S.C. 553(b)(B) and (d)(3), notice and comment and a delayed effective date are unnecessary and contrary to the public interest. Since the statutory authority for 12 CFR 611.1140-611.1142 has been repealed, revocation of these regulations constitutes a technical amendment mandated by Congress, and public notice and comment is unnecessary. For the same reasons and because it is necessary to immediately clarify that the authorities contained in these regulations may no longer be exercised by the Capital Corporation or any other party, in accordance with section 5.17(c)(2) of the Act, these regulations are withdrawn prior to the expiration of the 30-day congressional review period.

Accordingly, the FCA withdraws all of its regulations relating to the operation of the Capital Corporation

List of Subjects in 12 CFR Part 611

Agriculture, Banks, Banking, Organization and functions (Government agencies), Rural areas.

As stated in the preamble, Part 611 of Chapter VI, Title 12, of the Code of Federal Regulations, is amended as follows:

PART 611—ORGANIZATION

Subpart J—Farm Credit System Capital Corporation

1. The authority citation for Part 611 is revised to read as follows:

Authority: 12 U.S.C. 2031, 2091, 2182, 2183, 2243, 2244, 2250, 2252.

2. Subpart J consisting of §§ 611.1140-611.1142 is removed and reserved.

§§ 611.1140-611.1142 (Subpart J) [Removed and reserved]

Date: April 7, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 88-8025 Filed 4-12-88; 8:45 am]

BILLING CODE 6705-01-M

12 CFR Part 615

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration.

ACTION: Final rule with request for comments.

SUMMARY: On January 11, 1988, the Farm Credit Administration (FCA) chartered the Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) (53 FR 1679, January 21, 1988) pursuant to section 6.20 of the Farm Credit Act of 1971, as added by the Agricultural Credit Act of 1987, Pub. L. 100-233 (1987). The Financial Assistance Corporation will issue debt securities in the capital markets to provide capital to institutions of the Farm Credit System which are experiencing financial difficulty. The Farm Credit Administration Board (Board) adopts final regulations and requests comments thereon, regarding the issuance of Financial Assistance Corporation securities and book-entry procedures applicable to such securities.

DATES: This regulation is effective April 13, 1988. Written comments must be received on or before May 13, 1988.

ADDRESS: Submit any comments in writing (in triplicate) to Anne E. Dewey, General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090. Copies of all communications received will be available for examination by interested parties in the Office of General Counsel, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Michael J. LaVerghetta, Financial and Credit Standards Division, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498, TDD (703) 883-4444

or

James M. Morris, Office of the General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: Section 6.20 of the Farm Credit Act of 1971 (Act), as amended by section 201 of the Agricultural Credit Act of 1987, provides that the Farm Credit Administration shall charter the Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation), as an institution of the Farm Credit System (System). Section 15 of the Federal Reserve Act (12 U.S.C. 393), as amended by section 5.41 of the Act, provides that Federal Reserve Banks are authorized to act as depositories for and fiscal agents of all of the institutions of the System.

On January 11, 1988, the FCA chartered the Financial Assistance Corporation (53 FR 1679, January 21, 1988). The authority of the Financial Assistance Corporation to issue securities is set forth in section 6.26 of the Act. The purpose of the Financial Assistance Corporation is to carry out a program to provide capital to institutions of the System that are experiencing financial difficulty.

The Farm Credit Administration Board (Board) adopts regulations that authorize Federal Reserve Banks to apply the book-entry procedures that are applicable to consolidated and systemwide obligations of other Farm Credit System institutions (12 CFR Part 615, Subpart O) to the bonds, notes, debentures, or other obligations issued by the Financial Assistance Corporation. The new regulation at 12 CFR 615.5560 will make the relevant provisions of Subpart O of Part 615, as they may be amended from time to time, applicable to Financial Assistance Corporation securities.

The FCA believes that issuance of Financial Assistance Corporation securities in book-entry form will benefit investors, the Financial Assistance Corporation, the Farm Credit System,

the FCA and the financing community by (1) reducing the risk of loss due to theft, mishandling, and counterfeiting; (2) decreasing the cost of issuing, storing, and delivering physical certificates; and (3) minimizing the paperwork created by the growing volume of debt transactions.

The Farm Credit Administration Board finds, in accordance with 5 U.S.C. 553(b), that this regulation, which conforms existing System bank book-entry procedures to Financial Assistance Corporation securities, is a technical rule for which notice and public procedure are unnecessary. In addition, this regulation must be effective immediately so that the Financial Assistance Corporation can begin to issue its debt securities as expeditiously as possible. These securities must be issued to fully implement the financial assistance mechanism enacted by the 1987 Act. Accordingly, in accordance with 5 U.S.C. 553(d)(3) the Board finds good cause for these regulations to be effective immediately upon publication.

In consideration of the immediate need for the Financial Assistance Corporation to be able to issue bonds to provide financial assistance to some System institutions, the Board finds, in accordance with section 5.17(c)(2) of the Act, that an emergency exists which requires that these regulations be effective prior to expiration of the 30-day Congressional review period.

List of Subjects in 12 CFR Part 615

Accounting, Agriculture, Banks, Banking, Government securities, Investments, Rural areas.

As stated in the preamble, Part 615 of Chapter VI, Title 12, Code of Federal Regulations, is amended as follows:

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

1. The authority citation for Part 615 is revised to read as follows:

Authority: 12 U.S.C. 2154, 2243, 2252; Pub. L. 100-233 (1987).

2. Part 615 is amended by adding a new Subpart R, § 615.5560, to read as follows:

Subpart R—Farm Credit System Financial Assistance Corporation Securities

§ 615.5560 Book-entry Procedure for Farm Credit System Financial Assistance Corporation Securities.

(a) The Farm Credit System Financial Assistance Corporation (Financial

Assistance Corporation) is a federally chartered instrumentality of the United States, and an institution of the Farm Credit System, subject to the examination and regulation of the Farm Credit Administration.

(b) Subject to the approval of the Farm Credit System Assistance Board, the Financial Assistance Corporation is authorized by section 6.26 of the Act to issue uncollateralized bonds, notes, debentures, and similar obligations, guaranteed as to the timely payment of principal and interest by the Secretary of the Treasury, for a term of 15 years (Financial Assistance Corporation securities). The Financial Assistance Corporation may prescribe the forms, the denominations, the rates of interest, the conditions, the manner of issuance and the prices of such Financial Assistance Corporation obligations.

(c) Financial Assistance Corporation securities shall be governed by §§ 615.5465, 615.5470, 615.5475, 615.5480, 615.5485, 615.5490, 615.5492 and 615.5494. In interpreting those sections for purposes of this section, the term "Financial Assistance Corporation securities" shall be read for "Farm Credit securities," and "Financial Assistance Corporation" shall be read for "Banks of the Farm Credit System," and "Farm Credit bank."

Date: April 7, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 88-8026 Filed 4-12-88; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-24-AD; Amdt. 39-5894]

Airworthiness Directives; SAAB Fairchild Corporation Model SF-340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to SAAB Fairchild Corporation Model SF-340A series airplanes, which currently requires repetitive inspection and replacement of the engine power control cable attach pins if wear tolerances are exceeded. This amendment changes the compliance time for the initial inspection, reduces the repetitive inspection interval from 500 flight hours

to 200 flight hours, and requires replacement of the engine power control cable assembly if axial play is detected. This action is prompted by a report that an engine power cable failed at 426 flight hours from the last required inspection, indicating that more frequent repetitive inspections are necessary to detect a worn cable before failure. This condition, if not corrected, could result in a propeller/engine overspeed condition and can cause a reduction in airplane control or cause engine/propeller failure, or a combination of these conditions.

EFFECTIVE DATE: May 2, 1988.

ADDRESSES: The applicable service information may be obtained from SAAB Scania, Product Support, S-58188, Linköping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Standardization Branch, ANM-113; telephone (206) 431-1978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On December 23, 1987, the FAA issued AD 87-24-51, Amendment 39-5822 (53 FR 12; January 4, 1988), to require an initial inspection of the engine power control cable attach pins within the next 100 flight hours, repetitive inspections of the pins at intervals not to exceed 500 flight hours, and replacement of the pins if certain wear tolerances are exceeded. The actions are to be accomplished in accordance with SAAB-Scania AB Alert Service Bulletin SF340-76A-024, dated November 20, 1987.

That action was prompted by reports that, during two recent events when the engine power was reduced for descent, the propeller RPM increased. In both cases, the affected engine was shut down and a safe landing made. It was determined that the overspeed condition was caused by sheared pins in the power control cable located between the Hydro Mechanical Engine Control Unit (HMC) and the Propeller Control Unit (PCU). It was further determined that if the power lever in the control quadrant is retarded to flight idle the power lever on the PCU may move to the Beta-Range. As a result, propeller overspeed beyond controlled limits may occur. This could result in a reduction of airplane control, or cause propeller/engine overspeed and subsequent

propeller/engine failure, or a combination of these failure conditions.

Since issuance of that AD, an engine power control cable failed at 426 flight hours from the last required 500 flight hour inspection. As a result of the failure mentioned above, SAAB-Scania AB incorporated the following changes into Alert Service Bulletin SF340-26A-024, Revision 2, dated February 15, 1988:

(1) The initial inspection compliance time was reduced from 100 flight hours to 25 flight hours.

(2) The axial play tolerance was eliminated.

(3) The repetitive inspection interval of 500 flight hours was reduced to 200 flight hours.

Revision 2, to Service Bulletin SF340-26A-024 was classified as mandatory by the Swedish Airworthiness Authority on February 16, 1988.

This airplane model is manufactured in Sweden and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this situation is likely to exist or develop on airplanes of the same type design registered in the United States, this amendment revises AD 87-24-51 to require the accomplishment of the initial inspection within 25 hours time-in-service after the effective date of this amendment, repetitive inspections at intervals of 200 hours time-in-service, and replacement of the engine power control cable assembly if axial play is detected, in accordance with Revision 2 of the service bulletin previously mentioned.

Since a situation exists, that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 29, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket

(otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By revising AD 87-24-51, Amendment 39-5822 (53 FR 12; January 4, 1988) to read as follows:

Saab-Fairchild: Applies to all Model SF-340A series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent a reduction in airplane controllability or propeller/engine overspeed due to sheared engine power control cable pins, accomplish the following:

A. Prior to the accumulation of 25 flight hours time-in-service after the effective date of this amendment, unless accomplished within the last 175 flight hours time-in-service, and thereafter at intervals not to exceed 200 flight hours time-in-service, inspect the engine power control cables, part numbers C82146-1 or C82146-2, located between the hydro mechanical engine control units and the propeller control units, for axial play, in accordance with SAAB Service Bulletin SF340-76A-024, Revision 2, dated February 15, 1988.

B. If axial play is detected during the inspection required by paragraph A., above, replace the cable with an airworthy cable assembly prior to further flight, and repeat the inspections required by paragraph A. at intervals not to exceed 200 flight hours time-in-service.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to SAAB Scania, Product

Support, S-58188, Linköping, Sweden. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 2, 1988.

Issued in Seattle, Washington, on April 4, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-7997 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 7

[T.D. 88-17]

Application of Double Substantial Transformation Test in Determining Foreign Value Content for Products Imported From U.S. Insular Possessions

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final interpretive rule.

SUMMARY: This document gives notice that Customs has determined that the double substantial transformation concept is applicable to products of U.S. insular possessions for the purpose of determining whether the products meet the value requirement entitling them to free entry under General Headnote 3(a), Tariff Schedules of the U.S. (TSUS). General Headnote 3(a) provides for free entry into the U.S. of products of its insular possessions which do not contain foreign materials equal in value to more than 70 percent of their total value or more than 50 percent of their total value if the articles are ineligible for duty-free entry under the Caribbean Basin Initiative. Allowing the double substantial transformation concept to be applied means that the value of foreign material (that is, material that does not originate in an insular possession) may be considered as the value of material produced in the insular possession for the purpose of the 70 or 50 percent value determination if the foreign material is transformed in the insular possession through a substantial processing operation into a new and different product with a different name, character or use, and the new and different product is then transformed into yet another new and different product which is exported to the U.S.

EFFECTIVE DATE: April 13, 1988.

FOR FURTHER INFORMATION CONTACT: Daniel Gluck, Commercial Rulings Division (202 566-2938).

SUPPLEMENTARY INFORMATION:

Background

General Headnote 3(a), Tariff Schedules of the U.S. (TSUS; 19 U.S.C. 1202), permits products of the insular possessions of the U.S. to be imported into the U.S. free of duty if certain qualifications are met. The insular possessions include the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, Midway Islands, Wake Island, Johnston Island, and Kingman Reef. The purpose of General Headnote 3(a) is to promote the economic development of the insular possessions. Regulations concerning the insular possessions are set forth in Part 7, Customs Regulations (19 CFR Part 7).

Duty-free entry is provided for products of the insular possessions if the products do not exceed a specified foreign value limitation. The products must not contain foreign material equal in value to more than 70 percent of their total value or more than 50 percent of their total value if the articles are ineligible for duty-free entry under the Caribbean Basin Initiative (CBI). All products of the insular possessions are eligible for duty-free treatment under General Headnote 3(a) if they qualify.

The Generalized System of Preferences (GSP) (19 U.S.C. 2461 *et seq.*) and the CBI (19 U.S.C. 2701 *et seq.*), other programs implemented by Congress to promote economic development in certain parts of the world by permitting duty-free entry of certain products from designated countries if they meet certain qualifications, also both require products to meet a local value-added criterion to qualify for duty-free treatment. This means, that after it is determined that an article is a product of a beneficiary designated country (BDC), it then must be determined that a certain percentage of the cost of the product is attributable to direct costs of processing in the BDC and/or the costs of material produced in that country. In determining whether products meet the value-added criterion in both these programs, a concept known as double substantial transformation is used.

According to the double substantial transformation concept, the value of foreign material (that is, material that does not originate in a designated country) may be considered as the value of material produced in the designated country for the purpose of the value-added criterion, if the foreign material is

transformed in the designated country through a substantial processing operation into a new and different product with a different name, character or use, and the new and different product is then transformed into yet another new and different product which is exported to the U.S.

Customs application of the double substantial transformation requirement in the context of GSP received judicial approval in *The Torrington Company v. United States*, 596 F. Supp. 1083, 1086 (1984), Aff'd. 764 F. 2d. 1563 (C.A.F.C. 1985). The Court of International Trade, after affirming Customs application of the double substantial transformation concept, said:

Regulations promulgated by Customs define the term "material produced" to include materials from third countries that are substantially transformed in the BDC into a new and different article of commerce. 19 CFR 10.177(a)(2). It is not enough to transform substantially the non-BDC constituent materials into the final article, as the material utilized to produce the final article would remain non-BDC material. There must first be a substantial transformation of the non-BDC material into a new and different article of commerce which becomes "materials produced," and these materials produced in the BDC must then be substantially transformed into a new and different article of commerce. It is noted that 19 CFR 10.176(a) distinguishes between "merchandise produced in a BDC" and the cost or value of the "materials produced in the BDC" which demonstrates the contemplation of a dual substantial transformation requirement.

The double substantial transformation concept has not as yet been applied in determining whether products of the insular possessions meet the applicable foreign value limitation. Recognizing the interrelationship between GSP, CBI and General Headnote 3(a) programs, and the parallel intent of the three programs, Customs believes that the concept should apply to General Headnote 3(a) as well as to GSP and CBI.

Because application of the double substantial transformation concept to the insular possessions had not been previously considered by Customs and because the issue is of significant interest to certain segments of domestic industry and to importers, Customs decided that comments should be solicited before making a determination. Accordingly, on July 13, 1987, Customs published in the *Federal Register* (52 FR 26154), a notice proposing to apply the double substantial transformation concept to products of the insular possessions for the purpose of determining whether such products meet the foreign value limitation entitling

them to free entry under General Headnote 3(a).

Discussion of Comments

Twelve comments were received in response to the notice, seven of which strongly supported Customs' proposal.

Favorable Comments

Four commenters stated that the Congressional intent of General Headnote 3(a), to ensure the economic development of the U.S. insular possessions, would be supported by adoption of the double substantial transformation concept.

Several commenters pointed to the language added to General Headnote 3(a) after enactment of CBI and GSP as evidence that the double substantial transformation concept should apply to insular possessions. Language was added in General Headnote 3(a)(iv) stating that articles imported into the U.S. from an insular possession must receive no less favorable duty treatment than the treatment afforded such articles when imported from a CBI or GSP beneficiary country. It was claimed that because double substantial transformation applies in GSP and CBI cases, resulting in non-beneficiary material being transformed into material of the beneficiary country for the purpose of meeting the minimum value added requirement, not applying the concept to products of insular possessions would result in less favorable duty treatment to similar products of the insular possessions. One commenter stated that the added language demonstrates Congress intended to maintain the competitive position of the insular possessions relative to CBI and GSP beneficiaries. This intent, the commenter stated, is further demonstrated by the fact that while certain products are not eligible for CBI duty-free treatment, the same products are entitled to duty-free treatment from the insular possessions if they meet the no more than 50 percent foreign value requirement.

One commenter endorsed adoption of the proposed interpretive rule because the duty-free treatment afforded insular possessions by General Headnote 3(a) represents the only opportunity the insular possessions have to compete with foreign producers (who are unfettered by the immigration, minimum wage and environmental laws which govern insular possessions). Accordingly, it was argued that failure to apply the double substantial transformation concept under the Headnote would severely limit the effectiveness of the Headnote and undermine the competitiveness of the

possessions. This position was supported by another commenter who stated that the adoption of the proposed interpretive rule would allow the higher labor cost operations in insular possessions to compete with lower cost operations of foreign suppliers.

Another commenter endorsed the proposed rule on grounds of public policy, fairness, and equity in that its adoption would encourage economic growth and independence, create jobs and restore the competitive position of insular possessions recently imperiled by, among other things, the unstable condition of the dollar.

One commenter stated the proposed interpretive rule is consistent with the legislative purpose of favored treatment of insular possessions under General Headnote 3(a) and with the language of General Headnote 3(a). He argued that, by its terms, the Headnote expressly provides that foreign materials which are substantially transformed in insular possessions become materials which are the "growth, product or manufacture" of the insular possessions. These substantially transformed materials may then be further substantially transformed into new and different articles of commerce which, under the second category under the Headnote, qualify as products of insular possessions not containing foreign materials.

The same commenter cited *Torrington Co.* for the proposition that the Court of Appeals, in affirming the Court of International Trade's decision, recognized the double substantial transformation concept in the context of GSP. Because the "materials produced" language in the GSP statute is conceptually identical to the language in the General Headnote 3(a), the commenter concluded, the double substantial transformation concept should be applied, as a matter of law, to products of the insular possessions.

Unfavorable Comments

The commenters who objected set forth the following arguments:

(1) Applying the concept would grant a significant economic advantage to insular possessions, thereby damaging competing businesses which are not located in the insular possessions.

(2) Certain materials such as petroleum materials and others that are excluded from duty-free treatment under the CBI should be specifically excluded from the proposed rule. Without this exclusion, the insular possessions would receive a distinct economic advantage. For example, refiners in the possessions would have an advantage over domestic

refiners who must pay duty on foreign crude oil and petroleum product imports.

(3) Adoption of the proposed rule would, in some way, deprive articles that are otherwise entitled to duty-free treatment under General Headnote 3(a) standards from receiving that treatment.

(4) The explanation of the double substantial transformation concept set forth in the proposal could lead to unnecessary confusion between origin quota regulations and the rules of interpretation concerning duty rates. Application by Customs of textile country of origin quota regulations to the rules interpreting rates of duty under General Headnote 3(a) could preclude the inclusion, for value content purposes, of the value of certain foreign textile materials imported into an insular possession, processed there into a constituent material and then processed into a foreign article.

Customs Response

Customs generally agrees with the commenters supporting the proposal. Regarding the four comments opposing the proposal, Customs responds as follows:

(1) The insular possessions do receive a significant economic advantage by General Headnote 3(a). Customs believes that it was the intent of Congress to give the insular possessions an economic advantage when it enacted General Headnote 3(a). When the GSP and CBI programs were enacted, Congress also amended General Headnote 3(a), by the addition thereto of subparagraphs (iii) and (iv), respectively, to provide that articles imported under the Headnote shall receive duty treatment "no less favorable" than that afforded under the GSP or CBI. These Headnote amendments were inserted specifically to maintain the competitive position of the possessions relative to GSP and CBI beneficiaries. (With regard to the purpose of the amendment made in connection with the CBI, see House Report No. 266, 1983 U.S. Code Cong. & Ad. News, at 652.)

Inasmuch as the double substantial transformation concept is applied to GSP and CBI beneficiary countries, failure to apply the concept under General Headnote 3(a) would, as a practical matter, place insular possessions at a disadvantage in relation to GSP and CBI countries. While General Headnote 3(a) appears to afford insular possessions a distinct duty-free advantage over GSP and CBI countries, considering the liberal value requirements, in reality, without recourse to the double substantial

transformation concept, this Headnote value requirement could actually be more difficult to satisfy than the current GSP or CBI value requirement. In addition, insular possessions face several impediments in their efforts to effectively compete with foreign producers. Their lack of natural resources and heavy industrial facilities and their increased production costs (due to strict immigration, minimum wage and environmental laws imposed by the U.S. Government) make insular possession producers dependent on imported manufactured materials. Without application of the double substantial transformation concept, a majority of processing operations, consisting of assembly and light manufacturing operations, could fail to meet the value content requirement of the Headnote. The double substantial transformation concept is, therefore, vital to the effective achievement of the Congressional intent of the Headnote 3(a) program of promoting the economic development of the insular possessions.

(2) We are of the opinion that the double substantial transformation concept should be applied to the insular possessions for all products, even those that are ineligible for duty-free treatment under CBI such as petroleum. When General Headnote 3(a) was amended by the CBI statute (Pub. L. 98-67, section 3214(a)), the 70 percent value requirement was adopted for all products other than those not eligible for CBI duty-free treatment and the 50 percent requirement was retained for products not eligible for duty-free treatment under the CBI. It could not have escaped Congressional notice that product coverage under General Headnote 3(a) is broader than that under CBI. The fact that after two specific amendments were made to the Headnote (effected by the CBI statute), Congress has not seen fit to limit product coverage demonstrates an intention to afford insular possessions a unique position in relation to CBI beneficiaries. Furthermore, it is also clear that by retaining the 50 percent requirement for CBI-excluded products, Congress intended to provide the insular possessions with the advantage over CBI countries of being able to import these products into the U.S. duty-free. Customs believes that as it is Congressional intent that the double substantial transformation concept should be applied to the insular possessions, it would be inappropriate for Customs to restrict application of the concept to only those products eligible for CBI duty-free treatment. The proper

avenue for such a determination would be Congressional action.

(3) and (4) Customs believes that perhaps its proposal was not entirely clear. The double substantial transformation concept is only applicable to determine whether an article which is already determined to be a product of an insular possession meets the foreign value limitation. Application of the concept would not in any way deprive an article otherwise entitled to receive duty-free treatment under General Headnote 3(a) from receiving that treatment. Customs will still be determining whether an article is a product of the insular possessions in the same manner it always has. Application of the double substantial transformation concept, in fact, could only help certain articles that are determined to be products of the insular possessions meet the foreign value limitation and thereby qualify for duty-free treatment. Applying the double substantial transformation concept would permit, contrary to the fourth comment, the value of foreign textile materials imported into an insular possession, substantially transformed there into a new and different product, and then processed into a foreign article, to be included in the non-foreign portion of the foreign value calculation.

Other Comment

One commenter stated that there are more insular possessions entitled to the benefits offered under General Headnote 3(a) than are mentioned in the background of the proposed rule. Customs recognized that the list of insular possessions in the background section may not be all-inclusive. However, it is not within the scope of this document to set out a definitive list of insular possessions.

Conclusion

After extensive review and careful consideration of the comments, Customs has concluded that the double substantial transformation concept should apply to the insular possessions for the purpose of determining whether products of the insular possessions meet the foreign value limitation entitling them to free entry under General Headnote 3(a), TSUS. If foreign material (material not originating in an insular possession) is transformed into a new and different product in an insular possession and then that product is transformed again in that insular possession to yet another new and different product which is imported into the U.S., its cost will be considered part of the value of materials produced in the insular possession.

Drafting Information

The principal author of this document was Harold M. Singer, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: March 25, 1988.

Francis A. Keating II,

Assistant Secretary of the Treasury.

[FR Doc. 88-8060 Filed 4-12-88; 8:45 am]

BILLING CODE 4920-02-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No 83-14]

Truck Size and Weight; Tandem Truck Safety Act

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends various sections of 23 CFR Part 658, which implements the truck size and weight provisions contained in the Surface Transportation Assistance Act of 1982 (STAA), in response to amendments of the STAA contained in the Tandem Truck Safety Act of 1984 (TTSA). These amendments address: (1) Conditions under which segments of the National System of Interstate and Defense Highways may be deleted from the National Network for trucks, (2) conditions affecting the designation of new routes on the Federal-aid Primary System as part of the National Network, and (3) new access provisions for 102-inch wide, 28-foot long semitrailers.

EFFECTIVE DATE: April 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. Kevin E. Heanue, Office of Planning, (202) 366-2951, Mr. C. John MacGowan, Office of Motor Carrier Information Management and Analysis, (202) 366-4032, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On October 30, 1984, the TTSA (Pub. L. 98-554, 98 Stat. 2829) amending the STAA (Pub. L. 97-424, 96 Stat. 2097) became law. On September 18, 1985, FHWA issued a Notice of Proposed Rulemaking

(NPRM) that addressed various provisions added by the TTSA (50 FR 37970, September 18, 1985). Comments were received from 10 State governments, 3 trade associations, 2 industry representatives, and one each from a city government and a private citizen. These submissions contained a combined total of 31 comments: 14 on Interstate deletion; 11 on reasonable access; 2 on addition of primary routes; and 4 on other issues.

Interstate Deletion

The TTSA amends sections 411 and 416 of the STAA to authorize the exemption of specific segments of Interstate routes from the requirements of these two sections. We have characterized the approval of such an exemption as a "deletion" from the "National Network." The National Network is the system of Interstate and other designated Primary Routes that are open to the vehicles described in the STAA; e.g., 102-inch wide, 48-foot semitrailers when used in a truck tractor-semi-trailer combination and 28-foot semitrailers or trailers when used in a truck tractor-semi-trailer-trailer combination (49 FR 23302, June 5, 1984). Interstate deletions may be approved at the request of the Governor of the State or upon the FHWA's own initiative if a segment is not capable of safely accommodating the longer trucks or combinations or the 102-inch wide vehicles (other than buses) as authorized by the STAA. The amendments further require the Governor to consult with local jurisdictions within the State served by the Interstate segment and the Governors of adjacent States which might be affected by the deletion. As part of this consultation, consideration is to be given to safety, alternative routes and the impact on transportation service provided to the area.

Four factors which must be considered in a request for deletion are set forth in the Senate Committee report:

The Committee intends that the Secretary consider four factors in making an exemption determination pursuant to this legislation: (1) the effect of an exemption on transportation safety, (2) the effect of an exemption on interstate commerce, (3) the presence and suitability of an alternative route or routes, and (4) the effect on other segments of the Interstate and Defense Highway System and other highways. It is unequivocally the Committee's intent that highway safety, the first factor, be the Secretary's primary concern.

Fourteen comments concerned Interstate deletion. Of these, 7 were from the trucking industry and associations, 6 from State governments,

and one from a private citizen. Nearly half of these comments were directed toward operating restrictions and, in particular, limitations on hours of service. The NPRM suggested the use of operating restrictions in lieu of deletion as an additional factor for consideration. This would allow the continued use of the segment by STAA vehicles, but with restraints such as peak hour use limitations and/or lane use requirements. One comment favored such restrictions. One State echoed a common concern that restricting hours of service could have regional impact, necessitating ample notification and discussion among neighboring localities and States. Essentially, comments from the industry asserted that operating restrictions constitute a partial deletion and, therefore, should not be imposed unless approved after consideration of the same four factors considered for a full deletion. This rationale received endorsement in a recent U.S. District Court memorandum opinion issued in the case of *New York Motor Truck Ass'n Inc. v. The City of New York*, 654 F. Supp. 1521 (1987) (appeal pending). FHWA has carefully considered the comments and the court case and is amending the rule to require that requests for use restrictions upon STAA vehicles as a class on Interstate highways must be submitted pursuant to and in conformance with the requirements of the TTSA, which are set out in new paragraph (d) of § 658.11. The FHWA, however, continues the policy that certain types of routine restrictions on Interstate segments, such as those related to structural or clearance deficiencies, are not subject to Federal approval. Conforming changes have also been made to § 658.11(g) (former § 658.11(f) *Restrictions*.) to make that subsection applicable only to non-Interstate Federal-aid primary routes on the National Network.

One comment raised the issue of restrictions on Interstate segments that prohibit all trucks at all times. Segments with such total truck bans are subject to the TTSA exemption requirements, unless the bans were in effect and the segments were open to traffic on January 6, 1983. This position is based on the court case cited above and reanalysis of applicable Federal law. The provision for exception from the National Network under § 658.11(f), as redesignated, has been revised accordingly. States desiring to impose total truck bans or continue total truck bans that became operationally effective after January 6, 1983, must submit a request for FHWA approval as deletions from the National Network under new paragraph (d) of § 658.11 in

the same manner as requests for deletions and use restrictions affecting only STAA vehicles.

In other comments, one State recommended eliminating the factor requiring consideration of the effect of a deletion on interstate commerce. The intent of the STAA, in part, is to promote the safe and economic transportation of goods. This mandates that the impact on interstate commerce be considered in analyzing a proposed restriction. Another comment suggested that highway capacity should be considered as a factor. Any impacts on highway capacity should be considered within the context of the existing four factors.

Finally, five comments suggested procedural changes with which FHWA agrees. One recommended the total deletion of a segment regardless of whether the principal safety impact is due to vehicle length or vehicle width. The second advocated considering the same four factors regardless of whether a proposal for deletion is initiated by a State Governor or the Secretary. The third comment requested acceptance of an endorsement of an authorized representative acting on behalf of a Governor in lieu of the Governor's endorsement and that language to that effect be used consistently throughout the regulation. The fourth comment requested that any specific action required of a Governor regarding deletions or additions be explicitly stated in the regulation for all instances where action is necessary. The fifth comment stated that there should be an explicit requirement for an analysis of the effect on overall safety and alternate routes, accompanying any Interstate deletion request. The FHWA has incorporated the changes in this final rule to facilitate more efficient and effective administration of the requirements.

A conforming amendment to the definition of the National Network has been made to reflect the fact that certain Interstate segments may have been excepted or deleted from the National Network. The FHWA will amend Appendix A to Part 658 to reflect the excluded segments.

National Network Additions

The TTSA amends section 416 of the STAA to provide that subsequent to the June 5, 1934, rule (23 CFR Part 658), the designation of additional Federal-aid Primary highways other than an Interstate highway in a State must be agreed to by the Governor of the State in which the highway is located.

Two comments, specific to network additions, were received. One is in favor of the provision for designating additional highways on the basis that it would permit better service by the trucking industry. The other comment urges interpretation of the amending phrase "with the agreement of the Governor of the State in which the highway is located" so that responsible individuals or groups would be permitted to submit analyses of needs for additions.

Any group or individual may suggest or petition a route for inclusion accompanied by an analysis of suitability. The FHWA considered allowing submission of suggestions or petitions for additions along with the proper justification directly to FHWA prior to seeking the Governor's concurrence. FHWA has not adopted this process, however, because it would have the potential of causing needless FHWA consideration of an addition which may not be agreed to by the Governor. Therefore, notwithstanding the origins of such suggestions or petitions, a proposal must be submitted with the agreement of the Governor of the State in which the highway is located and in accordance with the procedures in this final rule before a route can be considered for addition.

As noted in the Federal Register of April 1, 1985 (50 FR 12825), the TTSA clarified FHWA's authority to designate highways with less than 12-foot wide lanes. Conforming language is therefore being added to the lane width criterion in § 658.9(b)(5) of the rule.

Reasonable Access

The TTSA amended section 412 of the STAA to extend the provisions requiring reasonable access to points of loading and unloading, previously afforded household goods carriers, to truck tractor-semi-trailer combinations where the semi-trailer does not exceed 28½ feet in length and 102 inches in width (so-called "pups"). The TTSA further provides that these vehicles may have reasonable restrictions imposed by any State or local government if such restrictions are based on safety conditions. A State cannot restrict access without a reasonable safety-related justification.

Eleven comments were received regarding reasonable access. Of these, eight were from States, one from a local government, one from a trade association, and one from an industry representative.

Several comments related to the use of both 28-foot and 28½-foot semi-trailer lengths in the law. The TTSA clearly requires that reasonable access to the

points of loading and unloading must be afforded to semi-trailers of 28 feet or less in length and therefore preempts local restrictions on access by pups. However, the STAA, as amended by the TTSA, further recognizes the grandfather rights for access to points of loading and unloading afforded to specific 28½-foot semi-trailers which were actually and lawfully operating on December 1, 1982.

Two comments questioned the meaning of a new amending paragraph. The new amending paragraph allows a State or local government to impose access restrictions on pups if based on safety.

Two comments were concerned with access for loading and unloading of longer semi-trailers. The TTSA, while requiring such access for pup semi-trailers, does not change access requirements for longer semi-trailers.

This rule does not address the broad issue of reasonable access for all STAA vehicles. Rather it revises the wording of existing access provisions to more closely reflect the legislative wording contained in the STAA and reiterates the extended access provisions statutorily granted to "pups" by TTSA.

The broader issue of reasonable access for all STAA vehicles has generated extensive interest and is being addressed separately through a series of related actions. Specifically, the FHWA published an Advance Notice of Proposed Rulemaking (ANPRM) on January 5, 1987 (52 FR 298), addressing reasonable access. The ANPRM described a petition for additional rulemaking by the National Industrial Transportation League and solicited comments and data on several issues to develop a factual basis for response. On April 2, 1987 Congress enacted the Surface Transportation and Uniform Relocation Assistance Act of 1987 Section 158 of which mandated a study to be completed in 30 months by the Transportation Research Board (TRB), including nationwide reasonable access policy.

Most recently the Conference Committee on the Department of Transportation and Related Agencies Appropriations Act of 1988 (Pub. L. 100-202, 101 Stat. 1329) accelerated the timetable for the reasonable access portion of the TRB Study by directing TRB to complete its study and report as early as March 1989, but no later than June 1989. It further directed the DOT to " * * * refrain from issuing a final rule on this issue until after the Board has issued its report" and to " * * * accord substantial weight to the findings and recommendations contained in the Board report * * * ." (H.R. Rep. No. 498,

100th Cong., 1st Sess. 1131 (1986)). However, the report states that the Department may proceed with a notice of proposed rulemaking on this issue. As a result, the FHWA will soon publish an NPRM which identifies the issues raised by its earlier ANPRM and includes its proposed rulemaking on reasonable access. Comments received on the NPRM, as well as the previous ANPRM, will be provided to TRB to assist in its study. The FHWA will utilize the comments on the NPRM and the results of the reasonable access portion of the TRB Study in preparing a final rule on the broad issue of reasonable access.

Other Comments

There were four other comments of the 31 received which either were not specific to one of the foregoing subheadings or did not explicitly address this rulemaking. The first of these suggested the term "Federal-Aid Primary—Other than Interstate" in § 658.11(b)(1) of the NPRM be changed to "Federal-Aid Qualifying Routes—Other than on the Interstate System" for purposes of clarity and to remove any problems in States that have other Federal-aid System routes on the National Network. This suggestion is not incorporated as it is inconsistent with statutory language; the STAA and 23 CFR Part 658 (June 5, 1984) are quite explicit in specifying that the National Network may contain only the National System of Interstate and Defense Highways and other segments of qualifying Federal-aid Primary System highways. While a State may permit the STAA vehicles to operate on other routes, they are not part of the National Network.

The three remaining comments did not explicitly address this rulemaking. The first comment suggested signs on trucks to inform motorists as to whether the truck is carrying cargo. The second comment pertained to the 12-foot lane width issue which is covered under previous rulemaking (51 FR 8511, March 12, 1986). The third comment stated that the 102-inch width should be applicable to buses, which is already provided for under Section 416 of the STAA.

This notice amends 23 CFR as described above.

Regulatory Impact

The FHWA has considered the impacts of this notice and has determined that it is not a major rulemaking action within the meaning of E.O. 12291. However, this rulemaking action has been included in DOT's Regulatory Program for significant rulemakings. These determinations by

the FHWA are based on the nature of the rulemaking. The FHWA has determined that this rulemaking action technically amends the June 5 final rule by incorporating revisions mandated by the TTSA. The revisions address procedures for additions and deletions to the system and the degree of local access afforded to 102-inch wide trailing units of twin trailers as well as clarifying current law as opposed to substantively revising the current regulations or changing the impacts initially projected. A Regulatory Impact Analysis was prepared for the June 5, 1984, rulemaking and is available for inspection in the Headquarters Office of FHWA, 400 Seventh Street, SW., Washington, DC. Copies may be obtained by contacting Mr. Kevin E. Heanue, Mr. C. John MacGowan or Mr. David C. Oliver at the address provided under the heading "FOR FURTHER INFORMATION, CONTACT."

For the same reasons, and under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA is amending Chapter I of Title 23, Code of Federal Regulations, by amending Part 658 as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation and Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, Motor carriers—size and weight.

Issued on April 8, 1988.

Robert E. Farris,

Deputy Administrator, Federal Highway Administration.

PART 658—TRUCK SIZE AND WEIGHT ROUTE DESIGNATIONS—LENGTH, WIDTH, AND WEIGHT LIMITATIONS AMENDED

1. The authority citation for 23 CFR Part 658 is revised to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97-424, 96 Stat. 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2312, 2313; 49 U.S.C. App. 2316), as amended by Pub. L. 98-17, 97 Stat. 59, and Pub. L. 98-554, 98 Stat. 2829; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.1 is revised to read as follows:

§ 658.1 Purpose.

The purpose of this part is to identify a National Network of highways available to vehicles authorized by provisions of the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97-424, 96 Stat. 2097), as amended by Pub. L. 98-17, 97 Stat. 59, and Pub. L. 98-554, 98 Stat. 2829, and to prescribe national policies that govern truck size and weight.

§ 658.5 [Amended]

3. In § 658.5, paragraph (f), *National Network*, is amended to add ", exclusive of those portions excepted under § 658.11(f) or deleted under § 658.11(d)," after the words "The network in each State includes the Interstate System."

4. In § 658.9, paragraph (b)(5) is revised to read as follows:

§ 658.9 National Network criteria.

(b) * * *

(5) The route consists of lanes designed to be a width of 12 feet or more or is otherwise consistent with highway safety.

* * *

5. In § 658.11, paragraph (a) and the heading of paragraph (b) are revised; paragraph (f) is redesignated as paragraph (g) and revised; paragraph (e) is redesignated as paragraph (f) and revised; paragraph (c) is redesignated as paragraph (e); paragraph (d) is redesignated as paragraph (c) and the heading is revised; new paragraph (d) is added to read as follows:

§ 658.11 Additions, deletions, exceptions, and restrictions.

* * *

(a) *Additions.* (1) Requests for additions to the National Network, including justification, shall have the endorsement of the Governor or the Governor's authorized representative, and be submitted in writing to the appropriate FHWA Division Office. Proposals for addition of routes to the National Network shall be accompanied by an analysis of suitability based on the criteria in § 658.9.

(2) Proposals for additions that meet the criteria of § 658.9 and have the endorsement of the Governor or the Governor's authorized representative will be published in the *Federal Register* for public comment as a notice of proposed rulemaking (NPRM), and if found acceptable, as a final rule.

(b) *Deletions—Federal-aid primary—other than interstate.*

* * *

(c) *Requests for deletion—Federal-aid primary—other than interstate.*

* * *

(d) *Deletions and use restrictions—Federal-aid interstate.* (1) The deletion of, or imposition of use restrictions on, any specific segment of the Interstate Highway System on the National Network, except as otherwise provided in this part, must be approved by the FHWA. Such action will be initiated on the FHWA's own initiative or on the request of the Governor or the Governor's authorized representative of the State in which the Interstate segment is located. Requests from the Governor or the Governor's authorized representative shall be submitted along with justification for the deletion or restriction, in writing, to the appropriate FHWA Division Office for transmittal to Washington Headquarters.

(2) The justification accompanying a request shall be based on the following:

(i) Analysis of evidence of safety problems supporting the deletion or restriction as identified in § 658.11(c).

(ii) Analysis of the impact on interstate commerce.

(iii) Analysis and recommendation of any alternative routes that can safely accommodate commercial motor vehicles of the dimensions and configurations described in §§ 658.13 and 658.15 and serve the area in which such segment is located.

(iv) Evidence of consultation with the local governments in which the segment is located as well as the Governor or the Governor's authorized representative of any adjacent State that might be directly affected by such a deletion or restriction.

(3) Actions to ban all commercial vehicles on portions of the Interstate System not expected under § 658.11(f) are considered deletions subject to the requirements of subsection (d) of this section.

(4) Reasonable restrictions on the use of Interstate routes on the National Network by STAA-authorized vehicles related to specific travel lanes of multi-lane facilities, construction zones, adverse weather conditions or structural or clearance deficiencies are not subject to the requirements of paragraph (d) of this section.

(5) Proposed deletions or restrictions will be published in the *Federal Register* as an NPRM, except in the case of an emergency deletion as prescribed in § 658.11(e). The FHWA will consider the factors set out in paragraph (d)(2) of this section and the comments of interested parties. Any approval of deletion or restriction will be published as a final rule. A deletion of or restriction on a segment for reasons ascribable to dimensions of commercial motor vehicles described in either § 658.13 or

§ 658.15 shall result in a deletion or restriction for the purposes of both §§ 658.13 and 658.15.

(f) *Exceptions.* Those portions of the Interstate System which were open to traffic and on which all commercial motor vehicles were banned on January 6, 1983, are not included in the National Network.

(g) *Restrictions—Federal-aid primary—other than interstate.* (1) Reasonable restrictions on the use of non-Interstate Federal-aid Primary routes on the National Network by STAA-authorized vehicles may be imposed during certain peak hours of travel or on specific travel lanes of multi-lane facilities. Restrictions related to construction zones, seasonal operation, adverse weather conditions or structural or clearance deficiencies may be imposed.

(2) All restrictions on the use of the National Network based on hours of use by vehicles authorized by the STAA require prior FHWA approval. Requests for such restrictions on the National Network shall be submitted in writing to the appropriate FHWA Division Office. Approval of requests for restrictions will be contingent on the ability to justify significant negative impact on safety, the environment and/or operational efficiency.

6. Section 658.19 is revised to read as follows:

§ 658.19 Reasonable access.

(a) No State may enact or enforce any law denying reasonable access to vehicles with dimensions authorized by the STAA between the National Network and terminals and facilities for food, fuel, repairs, and rest. In addition, no State may enact or enforce any law denying reasonable access between the National Network and points of loading and unloading to household goods carriers and any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 feet (28½ feet where allowed pursuant to § 658.13(b)(5)) and which generally operates as part of a vehicle combination described in §§ 658.13(b)(5) and 658.15(a).

(b) All States shall make available to commercial motor vehicle operators information regarding their reasonable access provisions to and from the National Network.

(c) Nothing in this section shall be construed as preventing any State or local government from imposing any reasonable restriction, based on safety considerations, on access to points of loading and unloading by any truck tractor-semitrailer combination in which

the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in §§ 658.13(b)(5) and 658.15(a).

[FR Doc. 88-8082 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

25 CFR Part 1

[T.D. 8193]

Income Taxes; Exemption for Certain Non-Profit Organizations From Filing Information Returns When Paying Awards of \$600 or More to Informants

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that provide an exception for certain non-profit organizations from filing information returns when paying awards of \$600 or more to informants. Non-profit organizations pay awards to informants who provide information relating to criminal law enforcement. It is felt that the effectiveness of the programs of the non-profit organizations will be enhanced if these organizations are exempt from the reporting requirements. In order to allow informants to maintain confidentiality and to enhance the effectiveness of informant programs.

DATES: The regulations are effective January 1, 1988, and shall apply to information return filing requirements with respect to award payments made after December 31, 1987.

FOR FURTHER INFORMATION CONTACT: David Selig of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3459, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations under section 6041 of the Internal Revenue Code of 1954 to provide an exemption for certain section 501(c)(3) organizations from the reporting requirements of section 6041. It was determined that no notice and public comment procedure is necessary since this document will not be detrimental to any taxpayer.

Explanation of Provisions

Section 6041 requires a person engaged in a trade or business, who pays compensation of \$600 or more to another person, to provide an information return to the Secretary describing the transaction to such extent as may be provided by the Secretary. Section 1.6041-3(n) currently provides that the United States, a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing is exempt from the reporting requirements of section 6041(a) with respect to a payment of a type determined by the Commissioner to be paid as an award to an informer or other payment of a similar character. This exemption allows informants to maintain confidentiality and aids the foregoing governmental entities in obtaining information in connection with law enforcement activities.

Certain non-profit organizations also pay awards to informants who provide information relating to criminal law enforcement. It is felt that the effectiveness of the programs of the non-profit organizations will be enhanced if these organizations are also exempt from the reporting requirements of section 6041(a) with respect to payments of awards.

In order to allow informants to maintain confidentiality and to enhance the effectiveness of informant programs. This Treasury decision amends § 1.6041-3(n) to extend the exemption from the reporting requirements of section 6041(a) to certain section 501(c)(3) organizations with respect to payments of awards.

Special Analyses

A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for final regulations subject to 5 U.S.C. 553(b)(3). Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required.

Drafting Information

The principal author of these final regulations is David Selig of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing

the regulations, on matters of both substance and style.

List of Subjects in 26 CFR 1.6001-1—1.6109-2

Income taxes, Administration and procedure, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * * Section 1.6041-3 also issued under 26 U.S.C. 6041(a).

Par. 2. Section 1.6041-3(n) is revised to read as follows:

§ 1.6041-3 Payments for which no return of information is required under section 6041.

(n) A payment to an informer as an award, fee, or reward for information relating to criminal activity, but only if such payment is made by the United States, a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, or, with respect to payments made after December 31, 1987, by an organization that is described in section 501(c)(3) and that makes such payments in furtherance of a charitable purpose to lessen the burdens of government within the meaning of § 1.501(c)(3)-1(d)(2).

Lawrence B. Gibbs,
Commissioner of Internal Revenue.

Approved: April 4, 1988.

O. Donaldson Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 88-8036 Filed 4-12-88; 8:45 am]
BILLING CODE 4830-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1202 and 1258

NARA Fee Schedule

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: This rule revises fees charged by the National Archives and Records Administration (NARA) for reproduction of records created by other Federal agencies and transferred to the custody of the Archivist of the United States,

donated historical materials, and records filed with the Office of the Federal Register. This regulation also sets fees for reproductions made pursuant to Privacy Act requests for NARA administrative records and to FOIA requests for accessioned records. The fees are changed to reflect the current costs of providing the reproduction services.

EFFECTIVE DATE: May 1, 1988.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202-523-3214 (FTS 523-3214).

SUPPLEMENTARY INFORMATION: NARA issued a notice of proposed rulemaking on December 21, 1987 (52 FR 48280) on the proposed revision to the NARA fee schedule. One comment was received from a group representing the media. The comment urged NARA to reduce its fees for FOIA reproductions of accessioned records, claiming that the per page charge is exorbitant. Fees for reproduction of archival records are set in accordance with 44 U.S.C. 2116(c), a statute which supercedes the fee-setting provisions of the Freedom of Information Reform Act of 1987. Section 2116(c) provides that reproduction fees shall be set to recover, so far as practicable, all cost elements for making copies of materials transferred to the custody of the Archivist of the United States. The NARA fees include the following cost components: The direct labor and equipment costs for making the copy; archival handling of the order, which includes preparing the records for reproduction and packaging the reproductions for mailing; the cost of processing order payments; and postage. NARA receives no appropriated funds for its reproduction services. Fees for reproductions are paid into the National Archives Trust Fund, and used to finance the reproductions. Since the Trust Fund is a revolving fund, it must be self-sustaining. We are, therefore, unable to reduce the fees as recommended by the commenter.

The commenter also suggested that NARA ask the agencies who transferred the records to the National Archives to absorb part of the cost of providing reproductions of accessioned records in response to FOIA requests. When records are accessioned into the National Archives, they are transferred to NARA's legal custody. The transferring agency is not authorized to provide reimbursement for FOIA reproductions for a third party.

This final rule makes two changes to Part 1202, Regulations Implementing the Privacy Act of 1974. First, we have determined that the fee for electrostatic copies of NARA administrative records

made under the Privacy Act should be no higher than the fee charged for copies of administrative records under the Freedom of Information Act. Accordingly, we have modified § 1202.50 to reduce the fee for electrostatic copies made by NARA to 20 cents per page. This final rule also makes a minor correction to § 1202.54 to change the payment address for reproductions made in response to Privacy Act requests.

We have corrected the fee for oversized electrostatic copies, which was erroneously listed as \$2.15 per foot in the proposed rule. All other fees remain as shown in the proposed rule.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects

36 CFR Part 1202

Privacy Act.

36 CFR Part 1258

Archives and records

For the reasons set forth in the preamble, Chapter XII of Title 36 of the Code of Federal Regulations is amended to read as follows:

PART 1202—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

1. The authority citation for Part 1202 continues to read as follows:

Authority: 44 U.S.C. 2104(a); 5 U.S.C. 552a.

2. Section 1202.50 is revised to read as follows:

§ 1202.50 Records available at a fee.

The system manager shall provide one electrostatic copy of a record to a requester at a fee of \$0.20 per page if NARA makes the copy or \$0.10 per page if the requester makes the copy on a NARA self-service copier.

3. Section 1202.54 is revised to read as follows:

§ 1202.54 Form of payment.

Payment shall be by check or money order payable to the National Archives and Records Administration and shall be addressed to the system manager.

PART 1258—FEES

4. The authority citation for Part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

5. Section 1258.2 is amended by revising paragraph (a) and adding paragraph (c)(10) as follows:

§ 1258.2 Applicability.

(a) Except as otherwise provided in this section, fees for the reproduction of NARA archival records, donated historical materials, and records filed with the Office of the Federal Register are as set forth in § 1258.12.

(c) * * *

(10) The fees for reproductions of archival records made in response to FOIA requests are set forth in § 1258.11.

6. Section 1258.11 is added to read as follows:

§ 1258.11 Fees for reproduction of archival records in response to FOIA requests.

(a) *Electrostatic copies.*

(1) Paper to paper (up to 11 in. by 17 in.):

NARA makes the copy \$0.35
Customer makes the copy on a
NARA self-service copier \$0.10

(2) Oversized electrostatic copies (per foot):
\$1.60 (plus \$0.20 per foot for vellum paper)

(3) Microfilm to paper:

	Up to 11 in. by 17 in.	18 in. by 24 in.
Work done by customer	\$0.30	\$0.80
NARA performs the work:		
First copy per roll	1.85	2.35
Next consecutive frame or duplicate .....	.80	1.30
Next nonconsecutive frame ..	.95	1.50

(b) *Other processes.*

Fees for other reproduction processes not listed in § 1258.11 are computed upon request.

7. Section 1258.12 is revised to read as follows:

§ 1258.12 Fee schedule.

(a) *Authentication:* \$2.00

(b) *Still photography:*

(1) Copy negatives (Black & White):

4 in. by 5 in. \$4.40
8 in. by 10 in. 6.00

(2) Copy negatives (Color):

4 in. by 5 in. \$10.85
8 in. by 10 in. 23.30

(3) Slides (from an existing negative):

2 in. by 2 in. (Black & White) \$2.00
2 in. by 2 in. (Color) 2.45

(4) Aerial photographic reproductions:

10 in. by 10 in. direct dupli-
cate negative 6.95
10 in. by 10 in. contact print 5.50
14 in. by 14 in. 8.70
18 in. by 18 in. 9.20
20 in. by 24 in. 10.20
24 in. by 30 in. 13.25
40 in. by 41 in. 19.55

(c) *Electrostatic copying:*

(1) Paper to paper (up to 11 in. by 17 in.):

Customer makes the copy at
a NARA self-service copier ... \$0.10
NARA makes the copy35

(2) Oversized electrostatic copies (per foot):
\$1.60

Add per foot for vellum paper: .20

(3) Red-line copies: 1.15

(4) Microfilm to paper:

From positive—	Up to 11 in. by 17 in.	18 in. by 24 in.
Work done by customer	\$0.30	\$0.80
NARA performs the work:		
First copy per roll	1.85	2.35
Next consecutive frame or duplicate .....	.80	1.30
Next nonconsecutive frame ..	.95	1.50

(e) *Microfilm:*

	16mm Rota- ry	16mm Plan- etary	35mm Plan- etary	35mm Over- size
(1) Negative (per frame)	0.28	0.36	0.37	0.43
(2) Next generation (per foot) .....		.31	.33	
(3) Direct duplicate (per foot) .....		.32	.34	

(f) *Diazo microfiche duplication (per
fiche):* \$1.05

(g) *Technical services:*

	Regular	Overtime
Photographer (per hour)	\$11.00	\$16.50
Microfilm preparation (per hour)	9.50	14.25
Sound and video recordings (per hour)	11.50	17.25

(h) *Preservation of records.* In order to preserve certain records which are in poor physical condition, NARA may restrict customers to a choice of photostatic or microfilm copies instead of electrostatic copies.

(i) *Unlisted processes.* Fees for reproduction processes not listed in § 1258.12 are computed upon request.

5. Section 1258.16 is revised to read as follows:

§ 1258.16 Effective date.

The fees in § 1258.12 are effective on May 1, 1988.

Dated: February 26, 1988.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 88-8030 Filed 4-12-88; 8:45 am]

BILLING CODE 7515-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 180

[OPP-00257; FRL-3365-2]

**Monourea-Sulfuric Acid Adduct;
Technical Amendment—
Monocarbamide Dihydrogen Sulfate**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical amendment.

SUMMARY: This technical amendment revises the chemical name in 40 CFR 180.1084. This change in nomenclature is being made to conform to the International Union of Pure and Applied Chemistry (IUPAC) name for the chemical. No new regulatory requirements are being added.

EFFECTIVE DATE: April 13, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-577-1800.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 13, 1985 (50 FR 10007), EPA added § 180.1084, an exemption from the requirement of a tolerance for monourea sulfuric acid adduct. EPA is revising the chemical name in the heading and the text to "monocarbamide dihydrogen sulfate" to conform to the IUPAC name for the chemical. The change is merely one of nomenclature: No new regulatory requirements are being set forth, and advance notice and public comment are not necessary.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 5, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.1084, including the chemical name in the heading and text, is revised to read as follows:

§ 180.1084 Monocarbamide dihydrogen sulfate; exemption from the requirement of a tolerance.

Monocarbamide dihydrogen sulfate is exempted from the requirement of a tolerance when used as a herbicide or desiccant in or on all raw agricultural commodities.

[FR Doc. 88-8039 Filed 4-12-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR PART 67****Final Flood Elevation Determinations; Florida**

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

John L. Matticks, Chief, Risk Studies Division, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
Florida	
Nassau County (Unincorporated Areas) (FEMA Docket No. 6923)	
Atlantic Ocean:	
Just northwest of U.S. Route 17 bridge over Nassau River.....	*8
Just north of Fort Clinch	*16
Maps available for inspection at the County Engineer's Office, Five Points Building, Fernandina Beach, Florida.	

Harold T. Duryee,

Administrator, Federal Insurance Administration.

Issued: April 7, 1988.

[FR Doc. 88-8014 Filed 4-12-88; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSIONS**47 CFR Part 73**

[MM Docket No. 86-488; RM-5537]

Radio Broadcasting Services; Paradise, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 278B1 for Channel 224A at Paradise, California, and modifies the Class A license for Station KRIJ(FM); in response to a petition filed by JIBO Broadcasting Corporation. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 16, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-488, adopted March 4, 1988, and released April 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under California by removing Channel 224A and adding Channel 278B1 at Paradise.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-8067 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-230; RM-5707]

**Radio Broadcasting Services;
Georgetown, DE**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 228B1 for Channel 228A at Georgetown, Delaware, and modifies the Class A license for Station WSEA(FM) to specify Channel 228B1, at the request of the licensee, Pottstown Broadcasting Company. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 16, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-230, adopted March 4, 1988, and released April 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended for Georgetown, Delaware by adding Channel 228B1 and removing Channel 228A.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-8070 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-374; RM-5726]

**Radio Broadcasting Services; Stuart,
FL**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 224C2 for Channel 224A at Stuart, Florida, and modifies the Class A license for Station WZZR(FM) to specify the Class C2 channel, at the request of the licensee, CRB of Florida, Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 16, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-374, adopted March 2, 1988, and released April 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended for Florida by adding Channel 224C2 at Stuart and removing Channel 224A.

Federal Communication Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-8071 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-454; RM-5499 and RM-5830]

**Radio Broadcasting Services;
Frostburg and Grantsville, MD**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots commercial FM Channel *246A to Frostburg, Maryland and reserves it for noncommercial educational FM use. It was determined that none of the 20 FM channels reserved for noncommercial educational use would be available due to the proximity of Station WJAC-TV, Channel 6, Johnstown, Pennsylvania. This document also dismisses a counterproposal by WJAC, Incorporated, licensee of Station WJAC-TV, proposing that Channel *246A be allotted to Grantsville, Maryland in lieu of existing noncommercial educational Channel 212B. This proposal was dismissed because there was no party expressing an interest in a Class A channel in Grantsville. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 16, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-454, adopted March 4, 1988, and released April 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Maryland, by adding Channel * 246A to Frostburg.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-8074 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-408; RM-6004]

Radio Broadcasting Services; Chillicothe, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Wyandot Radio Corporation, substitutes Channel 232B1 for Channel 232A at Chillicothe, Ohio, and modifies its license for Station WFCB-FM to specify operation on the higher powered channel. Channel 232B1 can be allocated to Chillicothe in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.6 kilometers (4.1 miles) east to avoid a short-spacing to Stations WWNK-FM, Cincinnati, Ohio, and WSNY, Columbus, Ohio. Canadian concurrence in the allotment has been received. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 16, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-408, adopted March 4, 1988, and released April 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments is amended by revising the entry for Chillicothe, Ohio, by deleting Channel 232A and adding Channel 232B1.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-8075 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-202; RM-5701]

Radio Broadcasting Services; Georgetown, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Ocean Communications, Inc., substitutes Channel 249C2 for Channel 249A at Georgetown, South Carolina, and modifies its license for Station WGMB to specify the higher powered channel. Channel 249C2 can be allocated to Georgetown in compliance with the Commission's minimum distance separation requirements and can be used at Station WGMB's present transmitter site. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 16, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-202, adopted February 23, 1988, and released April 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Georgetown, South Carolina, is amended by deleting Channel 249A and adding Channel 249C2.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-8076 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 86-404, FCC 88-69]

Private Land Mobile Radio Services; Trunked SMR Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted rules to provide greater flexibility and enhanced service options for SMR licensees and end users. These rules address six major issues raised in the *Notice* to this proceeding (51 FR 45025, December 16, 1986): SMR end user eligibility; transfer of Subpart M trunked channels to the Subpart S trunked pool; processing and assignment procedures; loading; partial assignments; and technical standards.

EFFECTIVE DATE: April 13, 1988.

FOR FURTHER INFORMATION CONTACT: Ron Netro, Chief, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, PR Docket No. 86-404, adopted February 25, 1988, and released March 30, 1988.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. We will summarize the issues raised and resolved in this proceeding in six paragraphs below, discussing, respectively, SMR end user eligibility; the transfer of Subpart M trunked channels to the SMR pool; processing and assignment procedures; loading;

partial assignments; and technical standards.

2. **SMR End User Eligibility.** Currently, SMR licensees may only serve those end users who would individually qualify for licensing under Part 90 of the rules, i.e., eligibles in the public safety, special emergency, industrial, and land transportation radio services. The Commission decided to expand the eligibility of SMR end users to include individuals and federal government agencies.

3. **Transfer of Subpart M Trunked Channels to the SMR Pool.** The merger of Subpart M into Subpart S required that the Commission decide what regulatory treatment to afford the 200 trunked channels now governed by Subpart M. Subpart M allocations were based on technology employed (i.e., trunked vs. conventional operations), while Subpart S allocations are based on broad radio service categories or pools. The *Notice* proposed transferring the 200 trunked Subpart M channels into the SMR pool of Subpart S. Observing that the vast majority of systems now operating on the Subpart M channels are SMR systems, the Commission decided to transfer the 200 trunked channels into the Subpart S SMR pool. The few non-SMR systems now licensed on these channels will be grandfathered indefinitely.

4. **Processing and Assignment Procedures.** Waiting lists are used in the assignment of channels now governed by Subpart M. Under Subpart S, the Commission processes SMR applications as they are filed with us. When required, lotteries are conducted to determine grants for Subpart S channels. The *Notice* proposed to establish a unified waiting list procedure for all SMR channels. Based on its experience and the comments received, the Commission decided that waiting lists would expedite reassignment of channels by eliminating the delay associated with lottery procedures. Separate waiting lists for 800 MHz and 900 MHz SMR systems will be established because equipment cannot operate over both bands. The Commission further decided in implementing this unified waiting list to assign the same preference status for fully-loaded systems now described in Subpart M.

5. **Loading.** Loading standards have been a valuable tool for, among other things, determining eligibility for system expansion, evaluating intercategory sharing requests, and promoting spectrum efficiency. The current rules contain three loading standards applicable to systems above 800 MHz. Upon consideration of the comments in

this proceeding, the Commission has decided to adopt one loading standard, essentially the standard now contained in Subpart M. The Commission has decided, however, to make certain adjustments in its use of this standard. In this merger of Subpart M into Subpart S, the Commission has decided to combine features of the loading provisions in both subparts. Specifically, the Commission will impose a five-year loading requirement of 70 mobiles per channel for any system licensed before June 1, 1993. Systems licenses after that date will not be required to meet any loading requirements to retain their channels. A 70 mobiles per channel loading requirement will continue to be imposed upon licensees of existing trunked systems seeking to acquire additional channels for expansion. That is, should an existing trunked system licensee want to apply directly to the Commission for additional channels, or apply to obtain additional channels on an intercategory sharing basis, or apply to obtain channels assigned from another licensee, it must first have its existing trunked system loaded to 70 mobiles per channel. The Commission further decided, with respect to trunked systems in rural areas, that there is no clear public benefit to requiring that such rural trunked SMR systems meet a threshold loading standard before they can expand their systems. Accordingly, the Commission will allow a rural SMR system to add up to five additional channels to its system regardless of its loading.

6. **Partial Assignments.** A partial assignment is an assignment of less than the full number of channels for which a licensee is authorized. Current rules prohibited the partial assignment of an 800 MHz or 900 MHz SMR trunked system authorization. In light of several factors, the *Notice* proposed to eliminate the prohibition on partial assignments. Upon consideration of the comments, the Commission has decided to permit licensees to make partial assignments either to a new system licensee or to an existing trunked system that has already met the 70 mobiles per channel loading standard necessary for the grant of additional channels.

7. **Technical Standards.** The *Notice* in this proceeding proposed to allow SMR licensees operating at both 800 MHz and 900 MHz to use non-standard channel widths and modulation schemes without prior notification and approval. It was also proposed to remove the requirement that 900 MHz SMR licensees use trunked technology and permit them to choose conventional technology systems as well. Upon review of the comments and its existing

rules, the Commission has decided that current regulations provide sufficient flexibility to SMR licensees. The existing rule does not now require prior Commission approval to permit SMR licensees (and other exclusive licensees) to use non-standard bandwidths within their assigned channels. The Commission has also decided to permit operation of 900 MHz SMR channels using modes of operation that are as efficient as trunking.

Regulatory Flexibility Act Final Analysis

8. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

9. The Secretary shall cause a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*), (1981).

Paperwork Reduction Act Statement

10. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labelling, disclosure, or record retention requirements and should decrease burden hours imposed on the public by allowing applicants to file once for the waiting list rather than submitting repetitive filings for filing windows and lotteries.

Ordering Clauses

11. Accordingly, *it is ordered*, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), that Part 90 of the Commission's Rules *is amended* as set forth below. *It is further ordered* that these Rules, as amended, shall be effective immediately upon publication in the **Federal Register** because they are either essentially procedural or relieve a restriction. See 5 U.S.C. 553(d). *It is further ordered* that the September 1, 1987, Petition for Interim Relief filed by Brown and Schwaninger *is dismissed*.

12. *It is further ordered* that this proceeding *is terminated*.

List of Subjects in 47 CFR Part 90

Radio, specialized mobile radio service.

Amendatory Text

A. 47 CFR Part 90 is amended as follows:

PART 90—[AMENDED]

1. The authority citation for Part 90 continues to read as follows:

Authority: Sec. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303 unless otherwise noted.

2. 47 CFR 90.7 is amended by adding the following definition:

§ 90.7 Definitions

Specialized Mobile Radio Service. A radio service in which licensees provide land mobile communications services in the 800 MHz and 900 MHz bands on a commercial basis to entities eligible to be licensed under this part, federal government entities, and individuals.

3. 47 CFR 90.179 is amended by revising the section heading and introductory paragraph to read as follows:

§ 90.179 Shared use of radio stations in the frequency bands below 800 MHz.

Licensees of radio stations below 800 MHz authorized under this rule part may share the use of their facilities. A station is shared when persons not licensed for the station control the station for their own purposes pursuant to the licensee's authorization. Shared use of a radio station below 800 MHz may be either on a non-profit, cost-shared basis or on a for-profit private carrier basis. Shared use of an authorized station below 800 MHz is subject to the following conditions and limitations:

§§ 90.350-90.390 (Subpart M) [Removed and reserved]

4. Subpart M (§§ 90.350 through 90.390) is removed in its entirety and the word "Reserved" substituted.

5. 47 CFR 90.601 is revised to read as follows:

§ 90.601 Scope.

This subpart sets out the regulations governing the licensing and operations of all systems operating in the 806.824/851-869 MHz and 896-901/935-940 MHz bands. This subpart also governs the use of frequencies in the 806-821/851-866 MHz bands along the Mexican and Canadian border areas in accordance with existing agreements. It includes eligibility requirements, application procedures, operational and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the

applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

6. 47 CFR 90.603 is amended by revising paragraph (c) to read as follows:

§ 90.603 Eligibility.

(c) Any person, except wire line telephone common carriers, eligible under this part and proposing to provide on a commercial basis base station and ancillary facilities as a Specialized Mobile Radio System operator, for the use of individuals, Federal Government agencies and persons eligible for licensing under Subparts B, C, D, or E of this part.

7. 47 CFR 90.609 is amended by revising paragraph (c) to read as follows:

§ 90.609 Special limitations on amendment of applications for assignment or transfer of authorizations for radio systems used to provide service to persons other than the licensee.

(c) Licensees of constructed systems are permitted to make partial assignments of an authorized grant to an applicant proposing to create a new system or to an existing licensee that has loaded its system to 70 mobiles per channel and is expanding that system. An applicant authorized to expand an existing system or to create a new system with channels it obtains through partial assignment will receive the assignor's existing license expiration date and loading deadline. A licensee that makes a partial assignment will not be authorized to obtain additional channels for that same system for a period of one year from the date of the partial assignment.

8. 47 CFR 90.611 is amended by revising paragraph (b), by redesignating existing paragraphs (c), (d), and (e) as new paragraphs (d), (e), and (f) respectively, by adding a new paragraph (c), and by revising newly designated paragraph (d) to read as follows:

§ 90.611 Processing of applications.

(b) All applications in pending status will be processed in the order in which they are received, determined by the date on which the application was received by the Commission in its Gettysburg, PA office, or the address set forth at § 0.401(b) for applications requiring the fees established in Part 1, Subpart G of this chapter.

(c) Each application will be reviewed to determine whether it can be granted.

Applications for channels in the Public Safety/Special Emergency, Industrial/Land Transportation, and Business categories, as well as the 150 channels available for conventional use in § 90.615, must specify the intended frequency (or frequencies) of operation. Applications for channels in the SMRS category may either specify the intended frequency (or frequencies) of operation in accordance with the provisions of § 90.621 or request the Commission to perform the selection.

(d) Applications that cannot be granted due to a lack of available channels in a particular area will be placed on a waiting list for that area. Waiting lists will consist of two groups. The first group will be comprised of applications from existing licensees who, in the area corresponding to the particular waiting list, operate trunked systems with 70 or more mobile units per channel. The second group will be comprised of applications to establish new systems or to obtain additional channels for conventional systems. Applications will be placed in the appropriate group according to filing dates, with the earliest date receiving the highest ranking. All applications in the first group will receive priority over any application in the second group regardless of filing date. When channels become available, the highest ranking application(s) will be granted based on the site specified and the Commission's mileage separation standards. Trunked systems that have had authorized channels cancelled due to failure to meet the loading requirements in § 90.631 will not be permitted on the waiting list for a period of 6 months from the date of the issuance of the superseding license.

9. 47 CFR 90.617 is amended by revising paragraph (d) introductory text, amending Table 4A by revising the entry for Group No. 228 and adding new entries for Group Nos. 401-440, revising the heading for Table 4B and creating a new Table 4C to read as follows:

§ 90.617 Frequencies in the 809.750-816/854.750-861 MHz, 821-824/866-869 MHz, and 896-901/935-940 MHz bands available for trunked or conventional system use in non-border areas.

(d) The channels listed in Tables 4A and 4B are available only for eligibles in the SMR category which consists of Specialized Mobile Radio (SMR) stations and eligible end users. This paragraph deals with the assignment of frequencies only in areas farther than 110 km (68.4 miles) from the U.S./

Mexico border and farther than 140 km (87 miles) from the U.S./Canada border. See § 90.619 for the assignment of SMR frequencies in these border areas. For stations located within 70 miles of Chicago, channels 401-600 will be assigned in groups as outlined in Table 4C.

TABLE 4A.—SMR CATEGORY 806-821/851-866 MHz BAND CHANNELS (280 CHANNELS)

Group No.	Channel Nos.
228	228-268-308-348-388
401	401-441-481-521-561
402	402-442-482-522-562
403	403-443-483-523-563
404	404-444-484-524-564
405	405-445-485-525-565
406	406-446-486-526-566
407	407-447-487-527-567
408	408-448-488-528-568
409	409-449-489-529-569
410	410-450-490-530-570
411	411-451-491-531-571
412	412-452-492-532-572
413	413-453-493-533-573
414	414-454-494-534-574
415	415-455-495-535-575
416	416-456-496-536-576
417	417-457-497-537-577
418	418-458-498-538-578
419	419-459-499-539-579
420	420-460-500-540-580
421	421-461-501-541-581
422	422-462-502-542-582
423	423-463-503-543-583
424	424-464-504-544-584
425	425-465-505-545-585
426	426-466-506-546-586
427	427-467-507-547-587
428	428-468-508-548-588
429	429-469-509-549-589
430	430-470-510-550-590
431	431-471-511-551-591
432	432-472-512-552-592
433	433-473-513-553-593
434	434-474-514-554-594
435	435-475-515-555-595
436	436-476-516-556-596
437	437-477-517-557-597
438	438-478-518-558-598
439	439-479-519-559-599
440	440-480-520-560-600

Table 4B—SMR Category 896-901/935-940 MHz Band—Channels (200 Channels):

• • • • •

TABLE 4C—SMR CATEGORY—CHICAGO PLAN 2:3—Continued

Group No.	Channel Nos.
419	419-455-491-527-563
420	420-456-492-528-564
421	421-457-493-529-565
422	422-458-494-530-566
423	423-459-495-531-567
424	424-460-496-532-568
425	425-461-497-533-569
426	426-462-498-534-570
427	427-463-499-535-571
428	428-464-500-536-572
429	429-465-501-537-573
430	430-466-502-538-574
431	431-467-503-539-575
432	432-468-504-540-576
433	433-469-505-541-577
434	434-470-506-542-578
435	435-471-507-543-579
436	436-472-508-544-580
437	437-473-509-545-581
438	438-474-510-546-582
439	439-475-511-547-583
440	440-476-512-548-584
441	441-477-513-549-585
442	442-478-514-550-586
443	443-479-515-551-587
444	444-480-516-552-588
445	445-481-517-553-589
446	446-482-518-554-590
591	591-592-593-594-595
596	596-597-598-599-600

¹ Reserved for contiguous assignments or as a frequency pool for assignments to systems with odd number of channels.

² These frequencies will be authorized only in the area encompassed by a 70 mile radius centered at 41°52'28" N, 87°38'22" W.

³ All stations located beyond the 70 mile distance authorized on or before August 16, 1982 to use these frequencies may continue to do so. Stations beyond the 70 mile distance authorized after August 16, 1982 shall employ frequencies listed in Table 4A subject to the provisions of § 90.621 (b) or (c) as applicable.

• • • • •
10. 47 CFR 90.627 is amended by revising paragraph (b)(2) to read as follows:

§ 90.627 Limitation on the number of frequency pairs that may be assignable for trunked systems and on the number of trunked systems.

• • • • •

(b) • • • • •

(2) The licensee's existing trunked system is loaded to at least 70 mobile and control stations per channel; or,
• • • • •

11. 47 CFR 90.631 is amended by revising the section heading and paragraph (b); by redesignating existing paragraphs (c), (d), (e), and (f) to new paragraphs (e), (f), (g), and (h), respectively; and by adding new paragraphs (c) and (d) to read as follows:

§ 90.631 Trunked systems loading, construction and authorization requirements.

• • • • •

(b) Each applicant for a trunked system shall certify that a minimum of 70 mobiles for each channel authorized will be placed in operation within five years of the initial license grant. If at the end of five years a trunked system is not loaded to the prescribed levels and all channels in the licensee's category are assigned in the system's geographic area, authorization for channels not loaded to 100 mobile stations per channel cancels automatically. All licensees who are authorized initially before June 1, 1993, and are within their original license term are subject to this condition. A licensee that has had authorized channels cancelled due to failure to meet the above loading requirements will not be authorized to obtain additional channels to expand that same system for a period of six months from the date of cancellation.

(c) Except as provided in paragraph (d) of this section, an applicant seeking to expand a trunked system by requesting additional channels from the Commission, or through intercategory sharing, or through an assignment must have a loading level of 70 mobiles per channel on the existing system that is the subject of the expansion request.

(d) In rural areas, a licensee of a trunked system may request to increase its system capacity by five more channels than it has constructed without meeting the loading requirements specified in paragraphs (b) and (c) of this section. A rural area is defined for purposes of this section as being beyond a 100-mile radius of the designated centers of the following urbanized areas, as well as those areas that have a waiting list. (Rural areas may be different for 800 and 900 MHz channels since the Commission maintains separate waiting lists for these frequency bands.) The identified urbanized areas are: New York, NY; Los Angeles, CA; Chicago, IL; Philadelphia, PA; San Francisco, CA; Detroit, MI; Boston, MA; Houston, TX; Washington, DC; Dallas-Fort Worth, TX; Miami, FL; Cleveland, OH; St. Louis, MO; Atlanta, GA; Pittsburgh, PA; Baltimore, MD; Minneapolis-St. Paul, MN; Seattle, WA; San Diego, CA; and Tampa-St. Petersburg, FL. The coordinates for the centers of these areas are those referenced in § 90.635, except that the coordinates for Tampa-St. Petersburg are latitude 28°00'00" N, longitude 82°27'00" W. Where waiting lists determine whether an area is rural, the designated centers of those areas will be identified on the actual waiting lists released by the Commission. If a waiting list is later established in a rural area, licensees who have acquired additional

TABLE 4C—SMR CATEGORY—CHICAGO PLAN 2:3

Group No.	Channel Nos.
401 ¹	401 through 410
411	411-447-483-519-555
412	412-448-484-520-556
413	413-449-485-521-557
414	414-450-486-522-558
415	415-451-487-523-559
416	416-452-488-524-560
417	417-453-489-525-561
418	418-454-490-526-562

channels pursuant to this paragraph will be subject to the automatic cancellation provisions in paragraph (b) of this section at the end of one year from the date the area first appears on a Commission waiting list, or at the end of their license term, whichever is longer.

12. 47 CFR 90.637 is amended by revising paragraph (a) as follows:

§ 90.637 Restrictions on operational fixed stations.

(a) Except for control stations, operational fixed operations will not be authorized in the 806-824 MHz, 851-869 MHz, 896-901 MHz, or 935-940 MHz bands. This does not preclude secondary fixed tone signaling and alarm operations authorized in § 90.235 or in paragraph (c) of this section.

13. 47 CFR 90.655 is revised as follows:

§ 90.655 Special licensing requirements for Specialized Mobile Radio systems.

All end users of conventional or trunked Special Mobile Radio systems must be licensed for any associated control points, control stations and mobile radio stations and only licensed end users are authorized to use those systems.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-7844 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[FHWA Docket No. MC-126]

Minimum Levels of Financial Responsibility For Motor Carriers; Environmental Restoration

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Minimum Levels of Financial Responsibility regulations to make permanent an amendment contained in an interim rule published in the *Federal Register* on September 23, 1986. This change makes clear that motor carriers are required to provide evidence of financial responsibility to satisfy claims for damage to human health and to the environment including necessary environmental restoration costs, but not for potential or speculative damages for which they would not otherwise be found liable.

EFFECTIVE DATE: This rule is effective April 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas P. Kozlowski, Office of Motor Carrier Standards, (202) 366-4049, or Paul L. Brennan, Office of the Chief Counsel, (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except on legal holidays.

SUPPLEMENTARY INFORMATION: The FHWA published an interim final rule (Docket No. MC-126; Amdt. No. 83-19) in the *Federal Register* on September 23, 1986 (51 FR 33854), deleting the phrase "or potential for damage" from the definition of "environmental restoration" in 49 CFR 387.5. The rulemaking was in response to a joint petition filed by the American Insurance Association (AIA) and the American Trucking Associations, Inc. (ATA). In amending this section of the Federal Motor Carrier Safety Regulations (FMCSRs), the FHWA deleted a phrase from the definition which required liability coverage for the "potential for damage" to the environment. This action was intended to reduce the uncertainty as to the extent of liability of the insured and the insurer by clarifying that the evidence of financial responsibility did not need to cover potential or speculative damage for which the motor carrier would not otherwise be found liable.

Comments

The FHWA received 13 comments to the public docket in response to the interim final rule. Eleven commenters supported the adoption of the interim final rule as a final rule. One commenter opposed the adoption and one comment was not germane to the rulemaking.

The Regular Common Carrier Conference (RCCC), in its support of the adoption as a final rule, echoed the comments of many of the supporters for adoption. The RCCC asserted that insurers view the request to insure motor carriers for environmental restoration claims as a request to provide bondless coverage.

The National-American Wholesale Grocers' Association (NAWGA) argued that obtaining liability insurance has become increasingly difficult for virtually all its members, but those policies which can be purchased are often accompanied by substantial increased premiums. The NAWGA contends that this dramatic increase in premium rates is at least partially due to the vagueness of the "potential for damage" language contained in the

previous definition of "environmental restoration."

The Transportation Committee of the Rubber Manufacturers Association, Inc. (RMA), opposed the amendment. It stated its "concern that the FHWA's proposed rules will have the unintended result of permitting motor carriers to carry an insufficient amount of insurance to cover all of their liability currently imposed under federal law," and that, "the insurance crisis affecting all sections of commerce should not be allowed to undermine basic elements of financial responsibility."

The RMA asserted that, "the FHWA does not address the fact that carriers are liable for potential environmental restoration costs under Federal law. Specifically, no consideration is given to the fact that under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601 *et seq.* (as amended 1986), once there has been an accidental discharge of hazardous material by a carrier, the carrier is considered to be a generator or transporter of hazardous waste. As a generator of waste, the carrier's liability includes liability for the costs of potential environmental restoration costs."

Based on the CERCLA requirements, RMA argued that, "By ignoring the liability of carriers under CERCLA, and eliminating the requirement for insurance to cover potential environmental restoration, the FHWA succeeds only in ensuring that motor carriers are not likely to have adequate insurance to cover their liability under CERCLA in case of accidental spills." Thus, "whereas carriers are liable under CERCLA for potential environmental restoration, the statutory scheme provides for financial responsibility for that liability under the Motor Carrier Act of 1980. The FHWA's proposed action would remove the insurance requirement, but certainly would not remove the carriers' liability under CERCLA."

Rebuttal comments were received from the American Insurance Association (AIA) and from the National Tank Truck Carriers, Inc. (NTTC).

The AIA believes that the RMA misconstrues the scope of liability imposed by CERCLA and that "the minimum dollar amount of insurance required under Section 30 and the maximum liability imposed under CERCLA are not coextensive, nor was that intended by Congress."

The AIA argued that carriers wishing to transport a limited category of hazardous materials need only carry \$5 million worth of liability coverage under section 30, whereas \$50 million in liability coverage is required under section 107(c)(1)(c) of CERCLA. The AIA notes that "Section 108(b)(5) of CERCLA defers to Section 30 the requirements of minimum financial responsibility for motor carriers. In addition, CERCLA neither preempts nor imposes a damage cap upon the common law theories which may be argued in pursuit of a claim for bodily injury or property damage resultant from the transportation of a hazardous waste or substance."

In a final argument, the AIA restated its original comments from their petition that injuries will occur and that they will be compensated. But, "... on the other hand, by helping to dispel the insurance industry's fears and concerns caused by the current definition, the insurance unavailability and pricing problems currently being experienced by motor carriers can be ameliorated."

The thrust of the rebuttal comments by the National Tank Truck Carriers, Inc., centered on the objections raised in 1981 by underwriters when the Secretary published the definition of the term "environmental restoration." They found that underwriters were correct in objecting to the definition on an economic basis, "the Secretary's 'definition' would bind a underwriter to reserve expenses for damages which might not be claimed either: (1) for several years in the future; or, (2) after the expiration of a policy period. Thus, computation of a sound actuarially-based premium was impossible." From this, the NTTC concluded that, "beginning in 1984, 'environmental restoration' coverages were withdrawn by the reinsurance community or provided at prohibitive dollar levels."

Discussion

The FHWA issued an interim final rule to amend the definition of "environmental restoration" in order to address the serious problems of affordability and availability of insurance facing motor carriers. The AIA and the ATA, in petitioning the FHWA for this change, identified the inclusion of the phrase "or potential for damage" as contributing to the insurance problems facing motor carriers. They argued that the inclusion of this phrase led insurers to conclude that they were being asked to insure for unknown and unknowable potential damages which were merely speculative. They further argued that the definition of "environmental

restoration" unintentionally expanded the scope of recompensable liability.

In adopting its interim final rule, the FHWA stated its belief that, "Section 30 of the Motor Carrier Act of 1980 was not intended to create a new basis for finding liability, but rather was intended to provide assurances that motor carriers found liable for damages under other law (e.g., State law or the common law) would have the financial means to pay for those damages." 51 FR 33854 (1986).

The FHWA has carefully considered the arguments made by the RMA, as well as the rebuttal arguments made by the AIA and the NTTC, and the comments made by others. The RMA has stated in its comments that the FHWA did not address the issue of motor carrier liability for potential environmental restoration costs under Federal law, i.e., under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA or Superfund), 42 U.S.C. 9601. The RMA further states that it believes that the FHWA's action in redefining "environmental restoration" will have the "unintended result of permitting motor carriers to carry an insufficient amount of insurance to cover all of their liability currently imposed under federal law."

Section 30 of the Motor Carrier Act of 1980 does not define the term "environmental restoration," although it requires motor carriers to maintain evidence of financial responsibility to cover such costs. The FHWA has found it necessary to define this term, and has attempted to do so in such a way that it would be clear that, in order to comply with the requirements of section 30, motor carriers are required to maintain a minimum amount of financial responsibility to satisfy any claims for which motor carriers would be liable under existing law. This would include section 107 of CERCLA. However, the FHWA has attempted to be equally clear that it was not creating any new source of liability for motor carriers. The FHWA believes that its amended definition of liability for the term "environmental restoration" is sufficiently broad to include any liability for environmental costs for which a motor carrier is found liable, including liability under CERCLA. We agree with the RMA that this change does not affect a carrier's liability for environmental response costs under CERCLA. However, we disagree that a result of the change will be to eliminate coverage for liabilities under CERCLA. We never intended such an effect and

believe that the environmental restoration coverage required by 49 CFR Part 387, as revised, is sufficiently broad so as to cover liability for environmental response costs under CERCLA.

Section 107 of CERCLA does not use the term "environmental restoration," nor does it provide that motor carriers will be liable for "potential damages." The FHWA does not believe that anything in CERCLA limits the FHWA's flexibility to define the term "environmental restoration" under section 30 as was done in the interim final rule. It is the position of the FHWA that the financial responsibility coverage required under Section 30 would cover liability which has been determined under CERCLA, up to the amount of the coverage evidenced by the required MCS-90 endorsement form in those instances when a motor carrier satisfies its financial responsibility requirement with insurance.

The CERCLA provides that a motor carrier's liability might reach \$50 million for each release of a hazardous substance. Clearly, the minimum level of financial responsibility to be required under section 30 of the Motor Carrier Act of 1980 or section 108 of CERCLA need not be at such a high level. In establishing its minimum levels of financial responsibility requirements, the FHWA recognized that it should not require a minimum dollar level which would cover all possible losses, including those resulting from catastrophic incidents. Based on the enabling legislation, the FHWA was required to set levels of financial responsibility of \$750,000 for nonhazardous property, \$1,000,000 for most hazardous materials, and \$5,000,000 for certain "extra-hazardous" materials. The FHWA recognizes that it is possible that a motor carrier may be found liable for damages which exceed the amount of coverage required by the FHWA. However, we believe that such catastrophic losses will be extremely rare and that the cost of requiring all motor carriers to maintain financial responsibility to satisfy such rare catastrophic losses is not justified by available accident and loss data. Accordingly, the FHWA does not believe that a motor carrier's potential liability of "not to exceed \$50 million" under section 107 of CERCLA is a reason for establishing higher financial responsibility limits or for including "potential for damage" in the definition of environmental restoration.

As stated above, in rebuttal comments, the National Tank Truck Carriers, Inc., argued that the deletion of the words "or potential for damage"

would relieve insurers of covering expenses for damages which might not be claimed: (1) For several years in the future; or (2) after the expiration of a policy period. The FHWA does not agree with this interpretation. As stated in the **Federal Register** notice of September 23, 1986 (51 FR 33856): "We believe that any damage for which a motor carrier is found to be liable remains covered under the revised definition. The change is not intended to relieve the insurers of the obligation to pay for such damages. While the term 'environmental restoration' is not intended to create liability, it is intended to guarantee that motor carriers are covered for damage claims for which they may be liable."

The FHWA has determined that this action does not constitute a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation.

The FHWA believes it is clarifying the definition of the term "environmental restoration" so as to quiet the concern of insurers, without making a substantive change in the required financial responsibility coverage or reducing public protection. This amendment was subjected to public comment by way of

the September 23, 1986, interim final rule and those comments have been duly considered. Therefore, the FHWA believes the provisions for prior notice and opportunity for comment under the Administrative Procedures Act, 5 U.S.C. 553(b) have been satisfied. For reasons stated above, the FHWA finds good cause to make this amendment final without a 30-day delay in effective date.

The FHWA is confident that the economic impact which results from this regulatory action will be generally beneficial. No reduction in public protection or in the protection afforded the environment will result from this change. This change could, however, make insurance more readily available and more affordable to many motor carriers by better enabling insurers to assess risk and establish prices which are reasonable in light of the coverage requested.

Because the classes of motor carrier operations subject to the FHWA's financial responsibility requirements under section 30 of the Motor Carrier Act of 1980 are somewhat different from the classes regulated for safety under the agency's other statutory authorities, and because the FHWA did not impose a reporting requirement of motor carriers subject to its jurisdiction, the

FHWA is uncertain of the number of motor carriers subject to the regulations and upon which this rule will have an impact. Estimates by the FHWA indicate that approximately 1 million commercial motor vehicles (trucks only) are subject to the requirements of the regulations promulgated under Section 30. It is further estimated that motor carriers currently pay approximately \$7.1 billion in annual insurance premiums for personal injury, property damage, and environmental restoration coverage for these vehicles.

Accordingly, the interim final rule amending 49 CFR 387.5 and 387.15 which was published in the **Federal Register** at 51 FR 33854 on September 23, 1986, is adopted as a final rule without change.

List of Subjects in 49 CFR Part 387

Highways and roads, Insurance, Motor carriers, Surety bonds.

(Catalog of Federal Domestic Assistance Program Number, 20.217 Motor Carrier Safety)

(49 U.S.C. 10927 note, 49 CFR 1.48)

Issued on April 8, 1988.

Robert E. Farris,
Deputy Administrator, Federal Highway Administration.

[FR Doc. 88-8080 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-22-M

Proposed Rules

Federal Register

Vol. 53, No. 71

Wednesday, April 13, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

(FRL-3285-2)

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to disapprove two site-specific revisions to the ozone portion of the Ohio State Implementation Plan (SIP). These revisions are: (1) A permanent relaxation for two fabric coating lines at B.F. Goodrich Company (B.F. Goodrich); and (2) a permanent relaxation for two fabric coating lines at the Goodyear Tire and Rubber Plant I (Goodyear Plant I). These facilities are all located in Summit County, Ohio.

USEPA today is proposing to disapprove these SIP revisions because these sources are all located in an area (Summit County) lacking a current federally approved ozone attainment demonstration. Under USEPA's SIP revision policy, sources which are located in areas lacking current federally approved ozone attainment demonstrations cannot be considered for relaxations until the SIP has been revised to demonstrate attainment and maintenance of the national ambient air quality standard (NAAQS) for ozone. In addition, the State must demonstrate that reasonable further progress (RFP) will be maintained in the area.

DATE: Comments on this revision and on the proposed USEPA action must be received by May 13, 1988.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch

(5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604
Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Comments on this proposed rule should be addressed to: (Please submit an original and six copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan (312) 886-6031.

SUPPLEMENTARY INFORMATION:

USEPA approved Ohio's RACT I and RACT II rules as meeting the Clean Air Act RACT requirements on October 31, 1980 (45 FR 72122), and June 29, 1982 (47 FR 28097), respectively. In lieu of the requirements mentioned above, OEPA has requested two site-specific SIP revisions comprised of an extended compliance schedule for a relaxation for B.F. Goodrich, and a relaxation for the Goodyear Plant I. These are described below:

B.F. Goodrich

On August 19, 1983, OEPA submitted a proposed site-specific VOC revision to its ozone SIP for B.F. Goodrich's two fabric coating lines (K001-K002), which are located at the B.F. Goodrich facility in Summit County, Ohio. The proposed revision consists of a facility-specific redefinition of RACT, which would be a relaxation from the present SIP limits. Under this proposed revision, the combined emissions from sources K001 and K002 can neither exceed 500 pounds per day, nor 50 tons per year.

Under the existing federally approved SIP, each fabric coating line (K001-K002) at B.F. Goodrich is subject to the control requirements contained in OAC Rule 3745-21-09(G) of 2.9 pounds of VOC/gallon of coating. OAC Rule 3745-21-04(C)(6) required final compliance by April 1, 1982.

Goodyear Plant I

On September 19, 1983, OEPA submitted a proposed site-specific VOC revision to its ozone SIP for Goodyear Plant I's seven fabric coating lines (K001-K007), which are located at Goodyear Plant I's facility in Summit County, Ohio. The revision consists of a permanent relaxation from the SIP limit by combining VOC emissions from

sources K001 through K007. The combined emissions can neither exceed 1550 pounds of VOC per day, nor 202 tons per year.

Under the existing federally approved SIP, each fabric coating line (K001-K007) at Goodyear Plant I is subject to the control requirements contained in OAC Rule 3745-21-09(G) of 2.9 pounds of VOC/gallon of coating. OAC Rule 3745-21-04(C)(6) required final compliance by April 1, 1982.

SIP Deficiency—Summit County

On February 24, 1984, the USEPA notified the Governor of Ohio, pursuant to Section 110(a)(2)(H) of the Clean Air Act, that the Ohio SIP is inadequate to achieve the NAAQS for ozone in Summit County. The basis for the finding of inadequacy is USEPA's conclusion that, even though this area is covered by a fully approved Part D Plan which was to assure attainment of the ozone NAAQS by 1983, Summit County is still experiencing ozone NAAQS violations. In the SIP inadequacy letter, USEPA called upon the State to cure the inadequacies by revising the SIP within 1 year from the date of the letter. To date, the State of Ohio does not have a re-approved SIP for Summit County.

SIP Deficiency—Goodyear and B.F. Goodrich

Under USEPA's July 29, 1983, SIP revision policy memorandum entitled "Source Specific SIP Revisions" from Sheldon Meyers, Director of the Office of Air Quality Planning and Standards, sources which are located in areas lacking current federally approved ozone attainment demonstrations cannot be considered for relaxations, until the SIP has been revised to demonstrate attainment and maintenance of the national ambient air quality standard (NAAQS) for ozone. In addition, the State must demonstrate that RFP will be maintained in the area.

On September 1, 1983, USEPA returned to OEPA a number of draft and final SIP revision requests for sources which are located in urban nonattainment areas lacking current attainment demonstrations. Because these were requests to change applicable SIP requirements in areas lacking current attainment demonstrations, the requests were considered incomplete.

In a letter dated February 28, 1985, USEPA requested that OEPA notify the

Region V Office of its preferred disposition of each submittal within 2 weeks. If the OEPA elected to withdraw the revisions, USEPA stated it would take no further action on them. If, on the other hand, the State did not withdraw them, USEPA stated that it would have to propose to disapprove them because they were requests to change applicable SIP requirements in areas lacking current attainment demonstrations. On April 4, 1985, the State notified USEPA that it still considered each of these SIP revision requests pending, and requested USEPA to approve them. Therefore, USEPA is proposing to disapprove these SIP revisions relaxation requests for the B.F. Goodrich, and Goodyear Plant I facilities in Summit County, Ohio.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before May 13, 1988 will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V Office, address provided at the front of this notice.

Under 5 U.S.C. 605(b), I certify that this SIP disapproval will not have a significant economic impact on a substantial number of small entities, because the effect of this disapproval is to leave in effect existing emissions limitations. Therefore, there is no change or any impact on any source or community.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Authority: 42 U.S.C. 7401-7642.

Dated: February 11, 1987.

Valdas V. Adamkus,
Regional Administrator.

Editorial Note: This document was received at the Office of the Federal Register on April 8, 1988.

[FR Doc. 88-8054 Filed 4-12-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[FRL-3364-6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of data and request for comment.

SUMMARY: On November 12, 1980, the Environmental Protection Agency proposed to amend the listings for two

of the hazardous wastes generated by the petroleum refining industry; these listings were promulgated in final form in that same issue of the **Federal Register**. Specifically, the Agency proposed to amend the listing of API separator sludge (K051) to read "Primary oil/solids/water separation sludge from the petroleum refining industry" and the listing of dissolved air flotation float (K048) to read "Secondary (emulsified) oil/solids/water separator sludge from the petroleum refining industry".

On February 11, 1985, the Agency noticed additional analytical information on wastes covered by the amended listings and published a clarification that the intended scope of the proposed listings was limited to primary, rather than secondary treatment. EPA has subsequently obtained additional waste composition data on these sludges; in addition, the American Petroleum Institute (API) has provided information relevant to further clarifying the scope of the proposed listings. Thus, EPA is today noticing the additional data and approaches to clarifying the proposed listings, and requesting comment on that data. The API data would distinguish primary separation and secondary separation (primary treatment) from secondary treatment based upon phenolic removal efficiencies, while the other approach is based on the physical and chemical properties of the sludges themselves. EPA is requesting comment on these alternative approaches for clarifying the scope of the proposed listings. Finally, EPA is soliciting comment on whether to include organic constituents, which the new data indicate are present in the primary treatment sludges, as additional listing criteria.

DATES: Comments on this notice of data availability must be received on or before May 31, 1988.

ADDRESSES: The public must send an original and two copies of their comments to: EPA RCRA Docket (S-212) (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Place the Docket Number F-88-PTSA-5F on your comments. The Office of Solid Waste (OSW) docket is located in the sub-basement at the above address, and is open from 9:00 to 4:00, Monday through Friday, excluding Federal holidays. The public must make an appointment to review docket materials by calling (202) 475-9327. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost; additional copies cost \$0.20 per page. Copies of the non-CBI version of sampling data and other support

information are available for *viewing and copying only* in the OSW docket.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424-9346 or at (202) 382-3000. For technical information, contact Ben Smith, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 or by phone at (202) 382-4791.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published (in interim final form) a list of hazardous wastes (Subpart D of 40 CFR 261.32), which included five wastes generated by the petroleum refining industry (see 45 FR 33123). Among the listed petroleum refining wastes were "Dissolved Air Flotation (DAF) Float from the Petroleum Refining Industry" (K048) and "API Separator Sludge from the Petroleum Refining Industry" (K051). These wastes are generated as a result of the primary treatment of oily wastewaters. These particular listings were promulgated in final form on November 12, 1980 (45 FR 74884).

Subsequent to the May 1980 rulemaking, a rulemaking petition was submitted by Envirex, Inc. which argued that any petroleum refining sludge resulting from primary or secondary oil/solids/water separation (both of which are primary treatment) should be included in the listing because all such sludges would be similar in composition regardless of the equipment or method used in the separation step. After evaluating the rulemaking petition, the Agency proposed (also on November 12, 1980 at 45 FR 74893) that the K048 and K051 listings be amended to read, respectively: "Secondary (emulsified) oil/solids/water separator sludge in the petroleum refining industry"; and "Primary oil/solids/water separation sludge in the petroleum refining industry".

Commenters on the 1980 proposal expressed two major areas of concern. First, they believed the proposed amendment to the K048 (secondary separation) listing to be sufficiently vague that the proposal could be read to apply to biological treatment systems (which are considered secondary treatment), not just to sedimentation and flocculation systems. Secondly, commenters believed that the Agency had not demonstrated that the various categories of units potentially subject to the expanded listing possessed lead and

chromium at levels of concern. Based on these concerns, the Agency embarked on a comprehensive methods-development and waste-characterization effort to further substantiate the bases for expanding the listings. In order to conserve Agency resources and to minimize the information gathering burden on the regulated community, EPA simultaneously gathered data on the levels of toxic organics which would be found in the wastes subject to the proposed listing.

After the passage of the Hazardous and Solid Waste Amendments (HSWA) of 1984, the organic constituent data became even more valuable. In particular, HSWA requires all petitioners interested in delisting a hazardous waste to test the waste for all Appendix VIII (hazardous) constituents. Inclusion in the listing of all constituents that are typically present at levels of concern facilitates petitioner identification of the types of pretreatment which might successfully render a waste non-hazardous and delistable.

Having gathered the necessary information, the Agency published a Notice of Data availability on February 11, 1985. These data consisted of organics and metals analyses on wastewater treatment sludges from the following sources:

- Storm runoff ponds,
- Primary settling ponds,
- Flocculation tanks,
- Sumps,
- Emulsion tanks,
- Induced air flotation tanks,
- Evaporation ponds,
- Equalization ponds,
- Clarifiers,
- Cleaning chemical pits,
- Ponds with an oil skimmer

The data from these sources showed sludges with lead and chromium levels similar to the levels found in sludges from API separators and DAF units. In addition, the organic constituents, found included benzene and toluene at concentrations as high as 4600 and 11000 ppm (dry basis) respectively, and benzo(a)pyrene, chrysene, and pyrene at maximum concentrations ranging from 600 to 1700 ppm.

The Agency also took advantage of the opportunity afforded by the notice to reaffirm the scope of the listing and to solicit further comment on the clarity of the listings, stating that the final listings would apply only to wastes from primary wastewater treatment processes, and not to wastes from secondary wastewater treatment such as sludges from biological oxidation.

The notice indicated that this listing definition would be accomplished in the final rulemaking by consolidating the K048 and K051 listings to read, "sludge from primary wastewater treatment in the Petroleum Refining industry". This would eliminate possible confusion of secondary separation as secondary treatment. In so doing, the Agency was not altering the scope of the proposal, nor abandoning either listing. Rather, the Agency was pointing out the equivalency of the two activities generating the proposed wastes (i.e., primary and secondary oil/water/solids separation) to the activities which might be known as primary treatment at a petroleum refinery.

Comment received on the Notice of Data Availability suggested that the Agency had not provided information on units which were "incidental" generators of sludge (e.g. ditches and flow equalization basins), which might be covered by the proposed listing. Commenters also expressed concern that the clarification presented in the 1985 notice could be erroneously construed to expand the scope of the proposed listing to ponds used for secondary and tertiary treatment in those systems where biological treatment was not clearly defined. Their confusion derived, in large part, from the tendency of many refineries to use serial settling/oxidation ponds that could be considered primary or secondary treatment, depending on the quality of the preceding primary treatment units and how conscientious the refinery was in keeping suspended and emulsified oil out of the units. All of these comments will be addressed in the final rule.

Subsequent to the 1985 notice, the Agency conducted additional sampling in an attempt to identify and characterize differences between settling/oxidation ponds being used for primary and secondary treatment. From the sampling data, the Agency hoped to identify an indicator parameter (e.g., percent oil and grease, or biochemical or chemical oxygen demand of the sludge or waste) that would define when a unit was predominantly secondary treatment.

The American Petroleum Institute (API) expressed considerable interest in this approach to resolving confusion over the scope of the listing. At the Agency's request, API provided information on phenolic removal efficiencies achieved in various categories of wastewater treatment units. Specifically, API provided data which suggested that a total phenolic removal efficiency of 80% or higher would indicate biological treatment. Because primary treatment units

appeared to have only minimal levels of biological activity, API believed this delineation to offer a clean indication of when secondary treatment had commended in a particular system. API thus suggested that EPA adopt a definition of primary versus secondary treatment based upon phenolic removal efficiency.

Believing that the API proposal had considerable potential, the Agency initiated another sampling program in the Fall of 1987. The purpose of today's notice is to describe the data gathered from this and all other sampling efforts subsequent to the February, 1985 notice, and to solicit public comment upon the data and upon the alternative approaches to distinguishing primary from secondary treatment in order to implement the 1980 proposal. The first of these two approaches is based on the API definition of secondary treatment by phenolic removal efficiency. The second approach distinguishes secondary treatment by reference to the oil content of the sludges, computed on a dry basis.

II. Availability of Data

Since the close of the comment period on the February, 1985 notice, the Agency has gathered additional compositional information on process wastewater treatment units, stormwater ponds, ditches and other sources of sludge at petroleum refineries. The data collected by the Agency were gathered from the wastewater treatment facilities of 16 refineries. These data clearly demonstrate that lead and chromium levels in the primary treatment units are greater than the levels of those two constituents in the samples considered in the promulgation of the original K048 and K051 listings. In fact, regardless of the type of unit generating the sludge, lead and chromium levels were higher than those observed in the original study that supported the listings of API Separator Sludge and DAF Float. Table 1 summarizes this information; in addition, this Table also summarizes some of the data obtained on the presence of various toxic organic constituents in the various sludges. Based on this data, the Agency solicits comment on whether the toxic organic constituents should be included as additional bases for listing these sludges. The data, which supplement all previously noticed data, are available for public inspection in the RCRA Docket which is located in the sub-basement of the EPA Headquarters at 401 M Street.

Also available in the docket are flow charts summarizing the analytical

information on the sludges and wastewaters sampled at each refinery. Limited data on ground water quality from downgradient wells also have been included, as have all other available data on the sludges. The Agency has also included data submitted by API on phenolic removal efficiencies and the results of sampling conducted by the Agency to test the API approach.

III. Clarification of Scope of the Proposed Listing

In proposing to amend the original K048 and K051 listings, the Agency had a clear concept of a primary oil/water/solids separation sludge and of secondary oil/solids/water separator sludge. The former applied to all "bottoms" generated in the primary treatment system associated with the

treatment of oily process wastewaters while the latter applied to all "floats" generated in the primary system. The intent of the proposal was to extend regulatory coverage to " * * * other petroleum wastes with similar compositions generated from processes and equipment other than API separators and DAF equipment." (See 45 FR 74893, November 12, 1980.)

TABLE 1.—AVERAGE CONSTITUENT CONCENTRATIONS

[Mg/kg, dry weight basis]

Category	Lead	Chromium	Benzene	Benzo(a) pyrene	Chrysene
Original Listing Data K048 + K051	25	165	NR	<2	NR
Post 1983 Sampling Data K048 + K051	390	680	110	16	45
Primary Treatment Sludges ¹	300	400	34	12	34

NR=Not reported due to unavailability of methods.

¹ Including oily stormwater ponds.

Commenters on the 1985 Notice of Data Availability requested that the Agency provide additional clarification of the scope of this proposed listing. The confusion on the part of the commenters seems to derive from three points. The first point relates to a misunderstanding about the Agency's definition of oily wastewaters for the purpose of these listings. Hence, when the Agency (see 50 FR 5637, February 11, 1985) indicated that storm runoff ponds were captured by the listing, some commenters concluded that non-contaminated surface runoff was included; this was not the case. The proposed listing has always been intended to apply only to sludges generated in the storage, transport, or treatment of oily wastewaters. The oily wastewaters generated at petroleum refineries are generally derived from process wastewaters (e.g. condensates, spent caustics, desalter waters, pump gland cooling water), tank drawoffs, cooling waters (from C6 and heavier service), process area drainage and ballast waters. While the Agency's subsequent sampling has shown that other units can be contaminated with the hazardous constituents, they were and are not within the scope of the proposal and will be considered for listing at a later date.

The second source of commenter confusion derives from the fact that primary treatment sludges may be deposited in parts of the treatment system that are not normally considered sludge generators. For instance, at certain refineries process wastewaters and storm waters are routed to a flow equalization basin without first passing through an API separator. This can

result in the accumulation of appreciable amounts of primary treatment sludge in the basin. Some commenters are confused about the scope of the listing due to the erroneous belief that the intent to deposit the sludge is required before the sludge can be a primary treatment sludge. Their belief is contrary to the rationale clearly put forth in the original proposal. The primary purpose of the proposal is to identify listings which would capture the sludges regardless of where they were generated in the system. Consequently, primary treatment sludges are intended to be subject to the listing, even if they are generated in a ditch carrying the raw wastewater to the first oil/water/solids separator.

The third area of commenter confusion centers around the industry's multiple uses of the term "secondary" as it applies to wastewater treatment at petroleum refineries. Clarifying the Agency's utilization of this term is an important motivation for this clarification of the proposed listing. Clarifying the proposed rules' definition is best accomplished by considering a generic example of a refinery wastewater treatment system.

Typically, refinery wastewater treatment systems consist of three stages, each of which has a discrete objective. The first of these steps, suspended oil and solids removal, is what the Agency refers to as primary oil/water/solids separation. This activity is generally conducted in one, or more, units. These units are characterized by the use of gravity separation and in place equipment for the removal of separated oil (e.g., slotted pipes and other skimmers, drums, and

ropes, as opposed to booms). However, intermediate units may exist in this treatment category which are intended to provide only solids removal or flow equalization capability. Primary oil/water/solids separation may be conducted in separators located exclusively at the central wastewater treatment plant or in combination with regionally located units that service only selected areas of the refinery. All units located upstream of a primary separation unit are also considered primary separation units.

The second stage of most refinery wastewater treatment systems is secondary oil/water/solids removal. The objective of this stage in the treatment process is to remove solids and emulsified oil that have low separation velocities. In a well designed system, this function is typically performed by an air flotation unit. Unfortunately, many more systems exist where this activity is performed in a series of ponds. This is unfortunate because these units are not efficient separators of the emulsified oil and solids. As a consequence, large amounts of acreage are dedicated to a function which might be achievable with a single unit and result in the generation of much less solid waste.

The third stage of refinery wastewater treatment is secondary, or biological, treatment. The objective of this treatment is the degradation of dissolved oil and other pollutants to levels suitable for water reuse or discharge. In a well designed system, this activity is conducted in an activated sludge or similar unit. However, some refineries use additional oxidation ponds to perform this function.

When one considers refinery wastewater treatment systems in the above context, the source of confusion become clear. Some commenters are confusing secondary oil/water/solids separation sludges with biological treatment sludges. The latter, although they may contain hazardous constituents at significant levels, were never intended by the Agency to be a part of this particular proposal. It is the sludges and floats generated by the first two categories of refinery wastewater treatment—namely, primary and secondary oil/water/solids separation sludges—that are the subject of the proposed listing.

The Agency did not itemize the factors which distinguish secondary oil/water/solids separation from biological oxidation because the distinction was believed to be clear for most refineries. Subsequent comment seems to suggest that the distinction is not clear to the commenters, especially at facilities where the oil and solids removal systems are not very efficient. While some of the factors in determining how many units perform primary treatment in these instances are clear (e.g., extent to which refinery contains oils and solids in the process areas, efficacy of oil traps and skimmers), there are also a wide variety of subtle factors that can come into play (e.g., prevailing wind direction, pond depth, short circuiting). The net effect of these many variables can be to inhibit the deposition of the primary treatment sludges and separation of the suspended and emulsified oils from the wastewaters.

Failure to remove oils and emulsions prolongs the primary treatment process since the presence of significant quantities of oil in the wastewaters inhibits bacterial growth and delays the onset of biological treatment. As a consequence, multiple units covering many acres may be used for primary treatment. Past and present data demonstrate that regardless of the number of acres and/or units dedicated to primary treatment, all units will continue to generate oily sludges which are similarly composed to the currently listed wastes. Because only the primary treatment units are covered by the original proposal, it is critical that individual refineries have a clear picture of where biological treatment commences in their systems. To address industry uncertainties surrounding which units will be subject to the listing contemplated by the 1980 proposal, the Agency is considering two approaches for describing the scope of the primary treatment sludge listing.

The first approach is based, in part, on a suggestion by API. API believes that secondary treatment is characterized by much greater levels of phenolic compound removal than will occur primary treatment. They further believe that the upper bound of the range of phenolic removal efficiencies for primary treatment units will consistently be beneath the lower bound of the range of phenol removal efficiencies for secondary treatment units. Therefore, the approach recommends that commencement of secondary (or biological) treatment in the oily wastewater system be defined by the first wastewater treatment unit to achieve an intermediate level of phenolic removal efficiency, probably in the 60-70 percent range. Total phenolic compounds would be measured by the 4-AAP method (SW-846 Method 9065).

Provided with the suggested approach, and included in the docket, are API data showing marked reductions in sludge benzene levels in secondary treatment units. The approach should work since phenolics (with their high water solubility) would not be removed by the physical treatment processes typically encountered at petroleum refineries. Significant phenol removals would not be seen until the water was exposed to the much larger bacterial populations of the secondary treatment basin. The suggested approach presumes a one time demonstration on the part of each refinery, unless the refining or treatment process is changed. However, since wastewater phenolic levels could be quite variable in the first steps of treatment, API has suggested that the demonstration be conducted over an extended period of time that reflects at least 25 independent residence times. The API believes that this volume of analytical effort should not be overly burdensome to refineries since nearly all refineries are already performing some on-site analysis of phenolics in wastewater.

The API did not provide details on recordkeeping. The Agency believes that the API approach would require that records reflecting the testing of the current system be maintained on-site by the refinery for as long as the wastewater treatment system is operational. Sampling records must include the following information: The name and address of the facility sample; the names and qualifications of the persons sampling the wastes; the dates of sampling; a description of the units and location from which the samples were taken; methodologies and equipment used to obtain representative samples; and a description of the sample

handling techniques, including techniques used for containerization, preservation, and chain of custody of the samples.

Testing records would include the name and address of the on-site or independent laboratory performing the tests of the wastes, the names and qualifications of the persons testing the wastes; the dates of analyses; and a description of the tests performed, with the results of the tests.

The Agency conducted additional sampling activities after receipt of the API proposal to independently verify its consistency with the Agency's originally proposed definition. Those data are included in the docket to facilitate commenter evaluation of the definition. Total phenolic removal efficiencies of up to 56 percent were observed in the primary treatment units. When total phenolic levels were in excess of 200 micrograms/liter, the initial biological treatment units achieved removal efficiencies in excess of 83 percent. Based on this information, the Agency would consider a total phenolic removal efficiency of 70 percent to be most consistent with the definition in the original proposal.

Unaddressed by API's approach are: Treatment of phenolic levels beneath the detection limit; and the treatment of stormwater devices, evaporation ponds, and units wherein chemical treatment is being performed. The Agency believes that maximum consistency with the proposal is ensured by addressing these potential issues in the following manner.

With respect to the treatment of phenolic levels near the analytical detection limit, wastewaters treated to this level are generally biologically treated wastewaters. Therefore, it is recommended that these levels be considered as indicative of a biologically treated wastewater and the unit considered a secondary treatment unit, unless the device is clearly a multipurpose one. An example of a multipurpose device would be a surface impoundment that has some portion of its surface sectioned off by weirs or other oil containment devices and a subsequent section with aeration to perform biological treatment. Treatment of such heterogeneous units under the API approach requires clarification.

The purpose of the original proposal is to expand the listing to primary treatment sludges, regardless of where they are generated. Multipurpose units are found at some refineries that perform both primary and secondary treatment. The Agency believes that consistency with the proposal is ensured by treating such units as if they were

multiple wastewater treatment units. In the case of the two section unit suggested above, testing would be conducted at the oil barrier and considered to be the effluent from the first unit and also the influent to the second unit. If the first section of the unit failed the phenol removal efficiency test, the impoundment would be considered a generator of the listed waste. If the first section passed the phenol removal test, then biological treatment would have commenced.

API's definition of secondary treatment does not directly apply to stormwater containment devices or to zero discharge units (e.g., evaporation ponds). API did address the subject of stormwater units separately. API's suggestion, which is consistent with the Agency's interpretation of the original proposal, is that units which do not receive any wastewater flows during dry weather are stormwater units and not oily wastewater treatment units. Evaporation ponds, on the other hand, may be a part of the primary treatment system. The Agency believes that the final determination with respect to these units should be linked to the amount of pretreatment upstream of these devices. Consequently, zero discharge ponds which are downstream of properly designed and operated air flotation units, or other forms of secondary oil/water/solids separation, are not primary treatment units.

The other categories of treatment not addressed by the API proposal are chemical treatment and carbon adsorption. Treatment with oxidizing agents (e.g., hydrogen peroxide and chlorine) has been demonstrated to achieve over 99 percent removal of phenolic compounds. Likewise, the use of activated carbon can greatly increase phenolic compound removal. Refineries using these techniques generally use them for wastewater treatment subsequent to biological treatment. However, it is possible for a refinery to use these techniques in the primary treatment system to temporarily boost phenolic removal efficiency to the level of the performance standard suggested by the API approach. The Agency believes that implementation of the API approach necessitates the testing of units in the absence of the two abovementioned types of treatment.

Comment is requested on the clarity and utility of the use of the above described phenolic removal efficiency approach to implement the 1980 proposal to list primary treatment sludges.

The second approach to clarifying the scope of the listing relates more directly to the properties of the separated

sludges and floats. The main feature which distinguishes a primary from a secondary treatment sludge is the presence of proportionally greater amounts of oil and emulsions in the wastes. Furthermore, the oily sludges uniformly contain the constituents of concern. The Agency's intent in the 1980 proposal was to modify the listings " * * " to reflect the hazardous character of the wastes themselves, rather than the type of equipment or process generating the waste." In other words, to regulate primary treatment sludges, regardless of where they separated from the wastewater in the system. Data are provided in the docket that illustrate the strong correlation between similar hazardous constituent levels in primary treatment sludges and the relative levels of dry weight basis oil in the sludges.

Data collected in support of the 1980 proposal also illustrate that all of the primary treatment sludges at a given refinery will contain distinctly higher levels of oil on a mass basis than will be found in the secondary treatment sludges at the same refinery. The Agency believes that the determination as to whether, or not, appreciable amounts of primary treatment sludge are contained in any unit must be made based on a review of the whole system. To identify all units which contain primary treatment sludges, one must first determine the percent oil content of all sludges at the facility which are clearly primary oil/water/solids separation sludges. As stated previously, primary oil/water/solids separation sludges are all sludges generated upstream of and including the last unit with stationary equipment for oil removal. In order to ensure consistent application of the test, all percent oil determinations would be made on a dry weight basis (i.e., less water content). Sludges generated in any subsequent units of the oily wastewater treatment system which have oil contents in excess of the minimum observed in the primary oil/water/solids separation units would be considered secondary oil/water/solids separation sludges and, hence, also covered by the primary treatment sludge listing.

Data are presented in the docket to illustrate the utility of this approach to characterizing the primary treatment sludge listing proposal. The data also demonstrate the high correlation of the relative oil levels in primary and secondary separation sludges with lead and chromium levels. Since a single method is not presented in SW-846 (*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*) for

the analysis of oil, solids and water content, a variety of SW-846 methods were examined. These data are provided in the docket. The Agency believes that implementation of the dry basis oil approach to characterize primary treatment sludges is best performed when oil, water and solids are determined in the following manner. Oil and grease is determined in the sludge sample by Method 9071 in SW-846. Percent solids are determined as the mass in the Soxhlet residue of Method 3540 using sequential tetrahydrofuran and toluene extractions. Water is determined by performing ASTM Method D-4377 on another aliquot of the original sample. A copy of the exact protocol followed is included in the docket.

If implemented, this alternative would be applied as a tool for ascertaining whether, or not, the sludges and floats generated in a unit were secondary oil/water/solids separation sludge, or a secondary treatment sludge. The test would be applied to all sludges and floats generated in the oily wastewater treatment system, exclusive of those generated in units which were clearly part of the primary oil/water/solids separation or biological treatment systems. In other words, units up to, and inclusive of, the last unit with stationary oil removal equipment are not an object of the comparison, but rather the basis for comparison of dry basis oil levels. All other wastewater treatment units in the oily wastewater treatment system would be tested, including intermittent recipients of oily wastewaters like combined stormwater basins. All sludges would be tested independently since a large number of factors can contribute to produce intervening units which do not contain a primary treatment sludge.

Because the purpose of the test is to distinguish between categories of treatment sludges, it would not be applied to units used exclusively for biological treatment. Units which the Agency considers to perform a clearly biological function are activated sludge systems, trickling filters and biodiscs. Units downstream of units which were clearly biological would not be tested, unless they received other inflows.

As was the case with the phenolic removal efficiency approach discussed previously, records on sludge testing and analysis would be maintained by the facility. Determination of the baseline dry basis oil level in the primary oil/water/solids separation sludges would be conducted on an annual basis, with records maintained for a period of three years. Other units

would require testing on a three year frequency and at interim points, if sludge is removed from the unit. Oil, water and solids testing and recordkeeping for sludges and units downstream of the primary oil/water/solids separation system is only required for those units which are not considered primary treatment units and those sludges which will not be managed as primary treatment sludges. The records to be maintained by the refinery are the same as specified previously in this notice for the phenolic removal efficiency approach.

Comment is requested on the clarity and utility of this approach to implement the 1980 proposal to list primary treatment sludges.

The Agency solicits comments specifically on the above data and clarifications. All comments must be received by May 31, 1988.

Date: April 7, 1988.

J.W. McGraw,

Acting Assistant Administrator.

[FR Doc. 88-8041 Filed 4-12-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-618, RM-6133]

Radio Broadcasting Services; Fort Rucker, AL

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This document extends the time for filing comments and reply comments in a proceeding involving the proposed deletion of FM Channel 226A at Fort Rucker, Alabama. Cheryl Swaim, an intended applicant for the Fort Rucker allocation requested the additional time to conform with the window application closing date therefor to allow incorporation by reference of her application in comments she intends to file in the proceeding.

DATES: Comments must be filed on or before April 8, 1988, and reply comments on or before April 22, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-8077 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-123, RM-5939]

Radio Broadcasting Services; Grover City, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by R & L Broadcasters, licensee of Station KOSZ(FM), Grover City, California, proposing the substitution of FM Channel 297B for Channel 297B1 and modification of its Class B1 license accordingly, to provide that community with a wider coverage area FM service.

DATES: Comments must be filed on or before May 26, 1988, and reply comments on or before June 10, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: R & L Broadcasters, Attn: Rod B. Funston, 1234 Ramona Avenue, Grover City, CA 93433-2217.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-123, adopted February 25, 1988, and released April 5, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex

parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-8066 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-335; RM-4853]

Radio Broadcasting Services; Mt. Laguna, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition filed by Family Stations, Inc., seeking the allotment of a noncommercial educational FM channel at Mt. Laguna, California, based on the Commission's recent amendment of its Rules to provide for a "demand" system for such services located within 199 miles of the United States-Mexico border area. As a result, the Mt. Laguna proposal may be considered in the application context rather than the rule making process. With this action, the proceeding is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530. Questions related to the application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-335, adopted March 4, 1988, and released April 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC.

The complete text of this decision may also be purchased from the Commission's copy contractors International Transcription Service.

(202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8081 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-125, RM-6140]

Radio Broadcasting Services; Kailua-Kona, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Pakas Broadcasting, permittee of Station KLUA(FA), Kailua-Kona, Hawaii, which proposes to substitute Channel 230C1 for Channel 228A at Kailua-Kona, and to modify its Class A permit to specify the new channel.

DATES: Comments must be filed on or before May 26, 1988, and reply comments must be filed on or before June 10, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

Jerome S. Silber, Fly, Shuebruk,
Gaguine, Boros and Braun, 45
Rockefeller Plaza, New York, New
York 10111, (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-125 adopted March 4, 1988, and released April 5, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also

be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8068 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-365; RM-5777]

Radio Broadcasting Services; Pella, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of.

SUMMARY: The Commission dismissed the request of GBA, Inc. to substitute Channel 277C for Channel 277C1 at Pella, Iowa, and modify its license for Station KFMD(FM) to specify the higher powered channel. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-365, adopted March 4, 1988, and released April 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets

Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8072 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-126, RM-6142]

Radio Broadcasting Services; Philpot, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Ted H. Johnson, which proposes to allot Channel 264A to Philpot, Kentucky, as its first local FM service.

DATES: Comments must be filed on or before May 26, 1988, and reply comments on or before June 10, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ted H. Johnson, 210 Belle Lake Drive, Nashville, Tennessee 37221 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-126, adopted March 4, 1988, and released April 5, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800,

2100 M Street NW., Suite 140,
Washington, DC 20037.

Provisions of the Regulatory
Flexibility Act of 1980 do not apply to
this proceeding.

Members of the public should note
that from the time a Notice of Proposed
Rule Making is issued until the matter is
no longer subject to Commission
consideration or court review, all *ex*
parte contacts are prohibited in
Commission proceedings, such as this
one, which involve channel allotments.
See 47 CFR 1.1231 for rules governing
permissible *ex parte* contact.

For information regarding proper filing
procedures for comments, see 47 CFR
1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8069 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-129, RM-6199]

Radio Broadcasting Services; Bridgeport, NY

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests
comments on a petition by Programmed
Communications, Inc. requesting the
allocation of Channel 258A to
Bridgeport, New York, as the
community's first local FM service.
Channel 258A can be allocated to
Bridgeport in compliance with the
Commission's minimum distance
separation requirements with a site
restriction of 3.0 kilometers (1.9 miles)
east to avoid a short-spacing to Station
WOKW, Channel 260B, Cortland, New
York. Canadian concurrence in the
allotment is required since Bridgeport is
located within 320 kilometers of the
U.S.-Canadian border.

DATES: Comments must be filed on or
before May 26, 1988, and reply
comments on or before June 10, 1988.

ADDRESS: Federal Communications
Commission, Washington, DC 20554. In
addition to filing comments with the
FCC, interested parties should serve the
petitioner, or its counsel or consultant,
as follows: Timothy Kuhl, President,
Programmed Communications, Inc., 101
Cottage Grove Drive, Minoa, New York
13116 (Petitioner).

FOR FURTHER INFORMATION CONTACT:
Leslie K. Shapiro, Mass Media Bureau,
(202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a
summary of the Commission's Notice of
Proposed Rule Making, MM Docket No.
88-129, adopted March 4, 1988, and
released April 5, 1988. The full text of
this Commission decision is available
for inspection and copying during
normal business hours in the FCC
Dockets Branch (Room 230), 1919 M
Street NW., Washington, DC. The
complete text of this decision may also
be purchased from the Commission's
copy contractor, International
Transcription Service, (202) 857-3800,
2100 M Street NW., Suite 140,
Washington, DC 20037.

Provisions of the Regulatory
Flexibility Act of 1980 do not apply to
this proceeding.

Members of the public should note
that from the time a Notice of Proposed
Rule Making is issued until the matter is
no longer subject to Commission
consideration of court review, all *ex*
parte contacts are prohibited in
Commission proceedings, such as this
one, which involve channel allotments.
See 47 CFR 1.1231 for rules governing
permissible *ex parte* contact.

For information regarding proper filing
procedures for comments, see 47 CFR
1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8078 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-127, RM-5824]

Radio Broadcasting Services; Lebanon, TN

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests
comments on a petition by William O.
Barry proposing the allotment of
Channel 255A to Lebanon, Tennessee,
as that community's second local FM
service. The proposal requires a site
restriction 9.6 kilometers (6.0 miles)
north of the city (36-17-28; 86-16-14).

DATES: Comments must be filed on or
before May 26, 1988, and reply
comments on or before June 10, 1988.

ADDRESS: Federal Communications
Commission, Washington, DC 20554. In
addition to filing comments with the
FCC, interested parties should serve the
petitioners, or their counsel or
consultant, as follows: John L. Tierney,
Esquire, Ann Bavender, Esquire, Tierney
& Swift, 1200 Eighteenth Street NW.,
Suite 210, Washington, DC 20036
(Counsels for petitioner).

FOR FURTHER INFORMATION CONTACT:
Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a
summary of the Commission's Notice of
Proposed Rule Making, MM Docket No.
88-127, adopted March 4, 1988, and
released April 5, 1988. The full text of
this Commission decision is available
for inspection and copying during
normal business hours in the FCC
Dockets Branch (Room 230), 1919 M
Street NW., Washington, DC. The
complete text of this decision may also
be purchased from the Commission's
copy contractors, International
Transcription Service, (202) 857-3800,
2100 M Street NW., Suite 140,
Washington, DC 20037.

Provisions of the Regulatory
Flexibility Act of 1980 do not apply to
this proceeding.

Members of the public should note
that from the time a Notice of Proposed
Rule Making is issued until the matter is
no longer subject to Commission
consideration or court review, all *ex*
parte contacts are prohibited in
Commission proceedings, such as this
one, which involve channel allotments.
See 47 CFR 1.1231 for rules governing
permissible *ex parte* contact.

For information regarding proper filing
procedures for comments, see 47 CFR
1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8065 Filed 4-12-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 228

Incidental Take of Marine Mammals

AGENCY: National Marine Fisheries
Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of request for rulemaking and request for information.

SUMMARY: The National Marine Fisheries Service (NMFS) has received a request from 6 exploration companies to allow the harassment of bowhead whales and gray whales incidental to oil and gas exploratory activities in the Beaufort and Chukchi Seas off the Alaska Coast. The Marine Protection Act of 1972 (NMPPA) directs the Secretary (Commerce or Interior) to allow the incidental take of small number of marine mammals if the Secretary makes certain findings and issues regulations that include permissible methods and requirements for monitoring and reporting. NMFS requesting information, suggestions, and comments on the structure and contents of the regulations and whether it is appropriate to issue them.

DATE: Comments and information should be received by June 13, 1988.

ADDRESS: Dr. Nancy Foster, Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Margaret Lorenz, Office of Protected Resources, NMFS, Washington, DC 20235 (tel. 202/673-5349) or Ted Meyers, Habitat Conservation Division, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802 (tel. 907/586-7235).

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) of the MMPA (16 U.S.C. 1371 *et seq.*) directs the Secretary to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region. This permission may be granted for periods of 5 years or

less if the Secretary finds that the total taking will have a "negligible impact" on the species or stock and will not have an "unmitigable adverse impact" on the species or stock for subsistence uses. In 1986, section 101(a)(5) of the MMPA was amended to allow a take of depleted marine mammals. Prior to this amendment, only non-depleted animals could be taken. Section 7(b)(4) of the Endangered Species Act also was amended to conform to the changes in the MMPA.

On March 15, 1988, NMFS and the U.S. Fish and Wildlife Service published a proposed rule to implement these amendments. The proposed regulations are procedural and, by themselves, do not authorize the taking of depleted species. Each activity requires separate, specific regulations * * * a process that takes about one year from the time the authorization is requested.

Description of Request

NMFS has received a request from Doyle and Savit, Attorneys representing Amoco Production Co. Inc., Chevron U.S.A., Inc., Exxon Co. U.S.A., Shell Western E&P, Inc., Unocal Corp., and Western Geophysical Co. of America. The taking is described as incidental and unintentional harassment of bowhead and gray whales during pre-lease and post-lease exploration for oil and gas resources in Alaska State Waters and on the Outer Continental Shelf. No mortalities are anticipated. Activities likely to be undertaken include geological and geophysical surveys, drilling of stratigraphic test wells, exploratory drilling for oil and gas, and associated support activities. Potential sources of incidental taking are noise, unpermitted discharge (oil spills) and physical obstruction. This request does not concern activities involved in the development or production of offshore oil and gas fields. Also, the spring lead system through which bowhead whales migrate from

mid-April to early June in the Chukchi Sea and the Beaufort Sea to Point Barrow is excluded from the scope of the petition. The requested period of the regulations is for five years.

When a request is made for an incidental take of depleted marine mammals, the requirements of both the MMPA and the ESA must be met. The activities included in the petition (with the exception of pre-lease geophysical exploration) were recently addressed by NMFS in biological opinions concerning Outer Continental Shelf lease sales 97 and 109. The biological opinions concluded that exploration activities resulting from those lease sales would not jeopardize the continued existence of bowhead and gray whales as measured by rates of recruitment and survival.

The information required by 50 CFR 228.4 was provided by Doyle and Savit in its request. Copies of the request and biological opinions may be obtained from the Office of Protected Resources, NMFS, Washington, DC 20235 (tel. 202/673-5349).

Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the structure and content of regulations to allow the taking. NMFS will consider this information in developing an environmental assessment, and, if appropriate, proposed regulations allowing the taking by harassment of bowhead whales and gray whales incidental to oil and gas exploration activities in the Beaufort and Chukchi Seas. If NMFS proposes regulations to allow this take, interested parties will be given ample time and opportunity to comment.

Date: April 4, 1988.

James E. Douglas, Jr.,
Acting Assistant Administrator for Fisheries.
[FR Doc. 88-8089 Filed 4-12-88; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 53, No. 71

Wednesday, April 13, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Senior Companion Program; Availability of New Project Funds

AGENCY: ACTION.

The Office of Older American Volunteer Programs, ACTION, announces the availability of funds in fiscal year 1988 to initiate grants for the homebound elderly under the Senior Companion Program authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, Title II, Part C, 42 U.S.C. 5013).

New Project funds appropriated by Congress for the Senior Companion Program, approximately \$4,500,000, shall be available for the start-up of in-home volunteer placements recently authorized under Pub. L. 100-202. Grants will be awarded on a national competitive basis. Applications for new projects should be developed not to exceed a maximum of 60 volunteer service years in size.

Publication of this announcement does not obligate ACTION to award any specific number of grants. Application kits and technical assistance are available from ACTION State Offices listed below. New projects will be awarded according to the guidance described below. One signed original and two copies of all completed applications must be received in the appropriate ACTION State Office no later than 5:00 p.m. on Monday, June 10, 1988. Applications postmarked 5 days before the deadline date will also be accepted for consideration.

New Projects Criteria

The Senior Companion Program (SCP) projects will focus on Senior Companion service to assist homebound elderly to remain in their own homes. New projects will be located in areas both urban and rural with concentrations of homebound elderly citizens.

I. Eligibility

A. Potential sponsor must have proven management capability, program experience with the problems of older persons and be able to comply with other elements in SCP Regulations, guidance, and Public Law 93-113, Title II, Part C.

B. Co-location with FGP (Foster Grandparent Program) projects or other projects for low income older persons may be acceptable, but should be discussed with ACTION during the early stages of proposal development to assure there are enough low income older people in the project service area.

C. State-wide grants may be acceptable but should be discussed with ACTION during the early stages of proposal development to insure provision is made for the supervision of SCP placements in scattered sites.

II. Selection

A. General Criteria

1. Projects should be developed for a size not to exceed 60 VSYs.

2. Each project should have a minimum of two volunteer stations. Projects have the option to select stations which conform to criteria in one or more of the seven emphasis areas categories.

B. Special Criteria.

1. Selection will be based on the applicant's:

a. Adherence to SCP Regulations and guidance;

b. Identification of needs to be addressed;

c. Defined goals, detail of activities designed to reach the goals, and realistic time schedule for attainment;

d. Inclusion of Letters of Intent as outlined in Section VII B 3. Special Features—Sponsor Development of Volunteer Stations.

III. Grant Review Process

A. All applications will follow established ACTION procedure for new projects. These include:

1. All project applications must be received in the appropriate ACTION State Office no later than 5:00 p.m. local time on Friday, June 10, 1988. Applications postmarked 5 days before the deadline date will also be accepted for consideration.

2. ACTION Headquarters Review Panel will make the final decision on funding of applications. Comments from

State or Regional office will be considered in ACTION Headquarters analyses of the quality of the applications.

3. Regional offices will notify project applicants of award decisions. Once grants are awarded, potential volunteer stations identified in the applications cannot be changed without ACTION concurrence.

IV. Reporting Requirements

A. Sponsor Quarterly Progress Reports on the project must be concurrently submitted to ACTION State Offices and ACTION-Headquarters. Examples of Companion-client interaction should be attached to the progress report.

B. Quarterly Financial Status Reports are to be submitted to ACTION State Offices.

V. Basic Program Elements

A. Development of volunteer service opportunities that foster the independence of Senior Companions;

B. Assignment of Senior Companions to volunteer stations which fully utilize their skills, training and life experiences;

C. Integration of all Senior Companions into individualized written care plans that address the social and health needs of clients. This is based on the philosophy that Companions can be most effective as advocates of their clients when they are involved in the implementation of a preventive and/or rehabilitative plan of care;

D. Assignments that foster greater participation of hard to reach minority, ethnic, and isolated older people, as Senior Companion volunteers.

E. Development of Senior Companions projects are to serve clients who are:

1. Scheduled for discharge from acute care hospitals (Section VIII.A.);

2. Homebound and served by caregivers in need of respite to prevent a breakdown in household capability to prevent institutionalization (Section VIII.B.);

3. Homebound living alone at risk of being institutionalized (Section VIII.C.);

4. Psychologically disabled (Section VIII.D.);

5. Home substance abusers (Section VIII.E.);

6. Terminally ill and living at home (Section VIII.F.);

7. Visually handicapped and living at home (Section VIII.G.).

VI. Operational Program Element

A. Active involvement of a non-stipended Community Volunteer Trainer in a range of case management activities (see definition Section VII A 6a).

VII. Highlighted Sponsor Responsibilities

A. General Features:

1. Projects will be governed by ACTION regulations and Pub. L. 93-113.

2. Projects must obtain Letters of Intent from potential stations.

3. Homebound elderly clients served by these stations will have one or more of the following impairments:

- a. Not fully ambulatory;
- b. Unable to take care of personal needs unassisted;
- c. Disabled from disease(s) likely to cause increased impairment.

B. Special Features

a. Recruitment of Senior Companions.

Special efforts will be directed to recruit males and hard-to-reach minority, ethnic, isolated and disabled older people.

2. Sponsor Placement of Senior Companions—Service Activities.

a. Give support to older clients through person-to-person assignments;

b. Participate in and monitor initial and continuing client needs assessments and appropriate in-home services contained in written care plans.

3. *Sponsor Development of Volunteer Stations.* a. Volunteer Stations may be community direct health care providers or social service organizations with direct links to health care providers;

b. Nursing homes, adult day care and board and care settings may not be volunteer stations.

c. Volunteer Station Responsibilities.

(1) Client needs assessments, care plan development, supervision of SCs, special transportation arrangements.

(2) Applications must include Letters of Intent containing specific statements that:

a. detail provisions of daily supervision;

b. identify potential volunteers support resources;

c. assure sufficient clients are available to utilize volunteers 20 hours per week.

4. Description of Clients Served.

a. Clients will be older adults with physical, emotional and/or mental health problems who need the help of a Senior Companion to maintain independent or semi-independent living arrangements in their homes.

b. Young and middle aged adults with developmental disabilities are not included in "at risk" populations for these projects nor are older adults who reside in group living settings.

5. *Service Area.* In cases of large service areas, especially in rural areas, program activities must be focused where volunteer support is available.

6. Orientation and In-Service Training.

a. Projects are encouraged to use Community Volunteer Trainers. These are active professionals or retired persons with health and social service skills able to train Senior Companions in monitoring initial and continuing needs and appropriate in-home services for their clients. Trainers do not supervise Senior Companions. They serve without compensation.

VIII. Specific Criteria for Volunteer Stations

Each project is required to have two or more volunteer stations. Projects have the option to select stations which conform to criteria in one or more of the seven emphasis areas listed below:

A. Acute Care Hospitals/Discharge Planning

1. Purpose. To assign Senior Companions to older acute care hospital clients discharged to their homes and scheduled to receive home care.

2. Volunteer Stations.

a. Type

- (1) Acute Care hospitals;
- (2) Social service discharge planning, outpatient or home health divisions of hospitals;
- (3) Certified home health agencies with links to acute care hospitals;
- (4) Aging/social service organizations with home case management capabilities with links to acute care hospitals;
- (5) City, county and district public health departments with links to acute care hospitals;

3. *Program Elements.* a. Senior Companion services to clients include participation in patient discharge and home health continuity of care programs. These are developed under the supervision of skilled health and social service professionals who may or may not be employed by hospitals.

b. Assignment activities include, but are not limited to:

- (1) Household management;
- (2) Personal care service;
- (3) Coordination of needed services with community health and social service agencies;
- (4) Advocacy for the personal needs of clients;
- (5) Peer support.

c. Arrangements should be made to provide special training, support and alternating placements for Senior Companions service acute care patients.

B. Respite Care

1. Purpose. To assign Senior Companions to older homebound clients who need their support and that of a prime caregiver to delay or prevent premature institutionalization. Companion services will be directed to one primary client per household and to caregivers, secondarily.

2. *Voluntary Stations—*a. Type (partial listing). (1) City/county family social service agencies.

(2) Private nonprofit family social service agencies.

(3) Senior Centers with case management staff specialists.

(4) Visiting Nurse Associations.

(5) Adult day health care service organizations with home care service supervision;

(6) Home health agencies.

b. *Station Elements.* (1) Provide special training to caregivers to enhance their ability to be effective service providers;

(2) Monitor the status of clients and caregivers and arrange for institutionalization of clients, if appropriate.

c. A minimum number of three Senior Companions must be assigned to each volunteer station.

3. *Program Elements.* a. In order to serve the neediest persons, clients served should have at least one of the following characteristics:

- (1) Not fully ambulatory;
- (2) Unable to take care of personal needs;

(3) Disease(s) likely to cause increased impairment.

b. The caregiver must live in the home and be available to provide 24 hour care.

c. Priority will be given to a client with an elderly spouse or an elderly offspring who is the primary caregiver.

d. A client in need of respite services should have caregivers who have reached the stage where the burden of caregiving poses threats to their ability to maintain stable social lives and a positive mental attitude.

e. Care plans will:

(1) Define separate activities for Senior Companion and caregiver;

(2) Include Senior Companion activities critical to the client's well being;

(3) Retain the flexibility to accommodate different caregiving needs during respite periods.

f. Prior to assignment, each Companion will spend a minimum of four (4) hours in the home with the client and caregiver observing routine care.

g. Neither clients nor caregivers may employ enrolled Companions or be charged for Companion services.

h. Companions may not:

(1) Do housework that ordinarily would be performed by household members, homemakers or paid domestic help such as scrubbing walls and floors, or washing windows;

(2) Provide personal services to family members apart from client-related activities; or

(3) Simply "sit with" a client while a primary caregiver is out of the house.

C. Homebound Clients Living Alone

1. *Purpose.* To assign Senior Companions to older homebound clients who:

a. Live alone and are at risk of institutionalization;

b. Have at least two of the following characteristics:

(1) Disease(s) likely to cause increased impairment;

(2) Not fully ambulatory;

(3) Unable to take care of personal needs unassisted;

(4) Acute home management problems;

(5) History of frequent hospitalizations.

2. *Volunteer Stations.* a. Type (Partial listing)

(1) Public health departments.

(2) Aging/Social service organizations with home case management capabilities.

(3) Home health agencies.

b. A minimum number of five Senior Companions must be assigned to each station.

3. *Program Elements.* a. Senior Companion services are directed to older homebound persons, living alone, at risk of institutionalization.

b. Senior Companion activities emphasis is on:

(1) Personal care needs;

(2) Home management;

(3) Relief of social isolation;

(4) Coordination of needed services with community health and social service agencies;

(5) Assistance with exercise and therapy;

(6) Establishment and encouragement of links with relatives and close friends.

c. This emphasis area is to be used only for clients with multiple health and social problems, and at high risk of institutionalization, who do not fit into other special population categories.

D. Mental Health

1. *Purpose.* To assign Senior Companions to psychologically disabled older persons.

2. *Volunteer Stations.* a. Type (Partial listing)

(1) City/county/community mental health centers.

(2) Outpatient psychiatric hospital clinics.

(3) Never institutionalized having chronic mental health problems. This includes persons able to function outside the home as well as the homebound.

(4) Homeless.

b. Senior Companion services to clients include:

(1) Development of supportive living and socialization arrangements;

(2) Assisting institutionalized older patients prepare for re-entry and return to the community;

(3) Providing care to clients with depression disorders that make them vulnerable to hospitalization;

(4) Monitoring medication;

(5) Reality orientation;

(6) Active listening;

(7) Coordination of client needs with community health and social service agencies.

c. Senior Companions provide backup support to families and other caregivers.

E. Substance Abuse

1. *Purpose.* To assist older persons with past or present drug or alcohol-related problems.

2. *Volunteer Stations.* a. Type (Partial listing)

(1) City/county public health departments.

(2) Alcoholics Anonymous.

(3) Detoxification units of veterans or acute care hospitals.

(4) Hospital outpatients clinics.

(5) Area councils on alcoholism and drug abuse.

b. *Station Elements.* (1) Specialized training should be provided to Senior Companions before assigning them to clients.

c. A minimum number of three Senior Companions must be assigned to each station.

3. *Program Elements.* a. Senior Companion activities may include: (1) Providing information to clients on the use, mis-use and abuse of prescription drugs and alcohol;

(2) Accompanying clients to Alcoholics Anonymous and similar peer support meetings;

(3) Encouraging spouse or other caregivers to attend Al-Anon and similar peer support meetings.

F. Care of the Terminally Ill

1. *Purpose.* To serve terminally ill elderly clients in their homes.

2. *Volunteer Stations.* a. Type (Partial listing)

(1) Free standing hospice with home care unit.

(2) Medical institution with a home-based program.

(3) Licensed/certified home health agency.

(4) Public health department.

b. A minimum of two Senior Companions must be assigned to each station.

(1) Specialized training on subjects related to the care of the terminally ill must be provided to Senior Companions. Training must be provided within two weeks of assignments of Senior Companions to the volunteer station. Any exception must be approved in advance by ACTION.

(2) To be a station, it should have a client caseload large enough to utilize Senior Companions for the 20-hour weekly service schedules.

3. *Program Elements.* a. Only persons with a special interest in serving terminally ill clients should be selected.

b. Volunteers who have the emotional stamina and the desire to serve only terminally ill clients may do so.

However, volunteers may also serve clients who are not terminally ill through:

(1) the assigned volunteer station; or

(2) a second volunteer station; This may not be an institution.

c. Senior Companions must be monitored for emotional stability during training, through the assignment and interviewed after each termination of assignment to a terminally ill client.

d. Senior Companion may not be the prime caregiver.

e. Senior Companion may serve family members during bereavement period.

f. Senior Companion has the option of attending the client's funeral.

Attendance, in this case, is allowable in the 20-hour weekly schedule.

g. *Hospice Care.*

(1) Companions must be assigned to a licensed/certified hospice care organization;

(2) Senior Companions must be integrated into the hospice care team, included in team meetings and receive team support.

h. *Non-Hospice Care.*

(1) Clients must be determined by a licensed physician to be in the final stages of terminal illness.

(2) Senior Companions must be closely supervised and given emotional support by the volunteer station Supervisor.

G. Alzheimer's

1. *Purpose.* To serve the elderly suffering from Alzheimer's disease.

2. Volunteer Stations. a. Type (Partial Listing).

(1) Medical institution with a home based program.

(2) Licensed/certified home health agency.

(3) Public health department.

b. A minimum of two Senior Companions must be assigned to each station.

c. Arrangements should be made to provide special training, support, and alternating placements for Senior Companions serving Alzheimer patients.

H. Visually Impaired

1. Purpose. To assign Senior Companions to blind/visually impaired older persons.

2. Volunteer Stations. a. Type (Partial Listing).

(1) Independent Living Centers for the visually disabled.

(2) Community-based rehabilitation/treatment agencies.

(3) City, county and district public health agencies.

(4) Certified home health agencies.

3. Program Elements. a. Clients served must experience functional/visual loss due to at least one of the following:

(1) Muscular Degeneration;

(2) Glaucoma;

(3) Cataracts;

(4) Diabetic Retinopathy;

(5) Accidents or injuries;

(6) Damage to optic nerves from strokes, tumors, etc.;

(7) Dry Eye Syndrome.

b. Senior Companion Services to clients include:

(1) Re-enforcement of mobility, orientation and compensatory rehabilitation techniques;

(2) Reading and transportation assistance;

(3) Home management;

(4) Coordination of needed services with community health and social service agencies;

(5) Peer counseling/companionship.

Following is an address list of ACTION Regional Offices along with the addresses of ACTION State Offices under their jurisdiction:

Region I

ACTION Regional Office, 10 Causeway Street, Room 473, Boston, MA 02222-1039, 671/565-7000.

ACTION State Office, Abraham Ribicoff Fed. Bldg., 450 Main St., Rm 524, Hartford, CT 06103-3002, 203/240-3237.

ACTION State Office, Federal Bldg., Rm 305, 76 Pearl Street, Portland, ME 04101-4188, 207/780-3414.

(New Hampshire/Vermont).

Region II

ACTION Regional Office, 6 World Trade Center, Room 758, New York, NY 10048-0206, 212/466-3481. (Metropolitan New York).

(Upstate New York).

(Puerto Rico/Virgin Islands).

Region III

ACTION Regional Office, U.S. Customs House, 2nd & Chestnut St., Rm 108, Philadelphia, PA 19106-2912, 215/597-9972. (Delaware/Maryland).

(Virginia/Dist. of Columbia).

Region IV

ACTION Regional Office, 101 Marietta St., NW., Suite 1003, Atlanta, GA 30323-2301, 404/331-2859.

ACTION State Office, 10 Causeway Street, Room 473, Boston, MA 02222-1038, 617/565-7015.

ACTION State Office, Federal Post Office & Courthouse, 55 Pleasant Street, Rm 318, Concord, NH 03301-3939, 603/225-1450.

ACTION State Office, John E. Fogarty Bldg., Rm. 200, 24 Weybosset Street, Providence, RI 02903-2882, 401/528-5424.

ACTION State Office, 402 East State St., Room 426, Trenton, NJ 08608-1507, 609/989-2243.

ACTION State Office, 6 World Trade Center, Room 758, New York, NY 10048-0206, 212/466-4471.

ACTION State Office, U.S. Courthouse & Federal Bldg., 445 Broadway, Room 103, Albany, NY 12207-2923, 518/472-3664.

ACTION State Office, Frederico DeGetau Federal Ofc. Bldg., Carlos Chardon Avenue, Suite 862, Hato Rey, PR 00918-2241, 809/753/4189.

ACTION State Office, Federal Building, Room 372-D, 600 Federal Place, Louisville, KY 40202-2230, 502/582-6384.

ACTION State Office, Federal Building, 31 Hopkins Plaza, Room 1125, Baltimore, MD 21201-2814, 301/962-4443.

ACTION State Office, Federal Building, Room 500, 85 Marconi Blvd., Columbus, OH 43215-2888, 614/469-7441.

ACTION State Office, US Customs House, Room 108, 2nd & Chestnut Streets, Philadelphia, PA 19106-2998, 215/597-3543.

ACTION State Office, 400 North 8th Street, P.O. Box 10066, Richmond, VA 23240-1832, 804/771-2197.

ACTION State Office, 603 Morris Street, 2nd Floor, Charleston, WV 25301-1409, 304/347-5246.

ACTION State Office, 2121 8th Avenue North, Rm 722, Birmingham, AL 35203-2307, 205/254-1908.

ACTION State Office, 930 Woodcock Road, Suite 221, Orlando, FL 32803-3750, 305/648-6117.

ACTION State Office, 75 Piedmont Ave., NE, Suite 412, Atlanta, GA 30303-2587, 404/331-4646.

ACTION State Office, Federal Building, Rm 1005-A, 100 West Capital Street, Jackson, MS 39269-1092, 601/965-5664.

ACTION State Office, Federal Bldg., P.O. Century Station, 300 Fayetteville Street Mall, Rm 131, Raleigh, NC 27601-1739, 919/856-4731.

ACTION State Office, Federal Building, Room 872, 1835 Assembly Street, Columbia, SC 29201-2430, 803/765-5771.

ACTION State Office, Federal Bldg./U.S. Courthouse, 801 Broadway, Room 246, Nashville, TN 37203-3889, 615/738-5561.

Region V

ACTION Regional Office, 10 West Jackson Blvd., 6th Floor, Chicago, IL 60604-3964, 312/353-3622.

ACTION State Office, 10 West Jackson Blvd., 6th Floor, Chicago, IL 60604-3964, 312/353-3622.

ACTION State Office, 46 East Ohio Street, Room 457, Indianapolis, IN 46204-1922, 317/269-6724.

ACTION State Office, Federal Building, Rm 339, 210 Walnut, Des Moines, IA 50309-2195, 515/284-4817.

ACTION State Office, Federal Bldg., Room 658, 231 West Lafayette Blvd., Detroit, MI 48226-2799, 313/226-7848.

ACTION State Office, Old Federal Bldg., Room 126, 212 Third Avenue South, Minneapolis, MN 55401-2596, 612/349-3630.

ACTION State Office, 517 East Wisconsin Ave., Rm 601, Milwaukee, WI 53202-4507, 414/291-1118.

Region VI

ACTION Regional Office, 1100 Commerce, Rm 6B11, Dallas, TX 75242-0696 214/767-9494.

ACTION State Office, Federal Building, Room 2506, 700 West Capitol Street, Little Rock, AR 72201-3291, 501/378-5234.

ACTION State Office, Federal Building, Room 248, 444 S.E. Quincy, Topeka, KS 66603-3501, 913/295-2540.

ACTION State Office, 626 Main Street, Suite 102, Baton Rouge, LA 70801-1910, 505/389-0471.

ACTION State Office, Federal Building, 911 Walnut, Room 1701, Kansas City, MO 64106-2009, 816/426-5258.

ACTION State Office, Federal Building, Cathedral Place, Room 129, Santa Fe, NM 87501-2026, 505/988-6577.

ACTION State Office, 200 NW 5th, Suite 912, Oklahoma City, OK 73102-6093, 405/231-5201.

ACTION State Office, 611 East Sixth Street, Suite 107, Austin, TX 78701-3747, 512/482-5671.

Region VIII (No Region VII)

ACTION Regional Office, Executive Tower Building, 1405 Curtis Street, Denver, CO 80202-2349, 303/844-2671.

ACTION State Office, Columbine Bldg., Room 301, 1845 Sherman Street, Denver, CO 80203-1167, 303/866-1070.

ACTION State Office, Federal Bldg., Room 8036, 2120 Capitol Avenue, Cheyenne, WY 82001-3849, 307/772-2385.

ACTION State Office, Federal Bldg., Drawer 10051, 301 South Park, Rm 192, Helena, MT 59626-0101, 406/449-5404.

ACTION State Office, Federal Bldg., Room 293, 100 Centennial Mall North, Lincoln, NE 68508-3896, 402/471-5493.

(North & South Dakota)

ACTION State Office, Federal Building, Room 213, 225 S. Pierre Street, Pierre, SD 57501-2452, 605/224-5996.

ACTION State Office, U.S. Post Office & Courthouse, 350 South Main St., Room 484, Salt Lake City, UT 84101-2198, 801/524-5411.

Region IX

ACTION Regional Office, 211 Main Street, Rm 530, San Francisco, CA 94105-1914, 415/974-0673.

ACTION State Office, 522 North Central, Room 205-A, Phoenix, AZ 85004-2190, 602/261-4825.

ACTION State Office, 211 Main Street, Room 534, San Francisco, CA 94105-1974, 415/974-0690.

ACTION State Office, Federal Bldg., Room 14218, 11000 Wilshire Blvd., Los Angeles, CA 90024-3671, 213/209-7421.

(Hawaii/Guam/American Samoa)

ACTION State Office, Federal Building, P.O. Box 50024, Honolulu, HI 96850, 808/541-2833.

ACTION State Office, 4600 Kietzke Lane, Suite E-141, Reno, NV 89502-1208, 702/784-5314.

Region X

ACTION Regional Office, Federal Office Building, 909 First Avenue, Ste. 3039, Seattle, WA 98174-1103, 206/442-1558.

(Alaska)..... ACTION State Office, Suite 3039, Federal Office Bldg., 909 First Avenue, Seattle, WA 98174-1103, 206/442-4975.

ACTION State Office, Federal Bldg., Room 647, 511 N.W. Broadway, Portland, OR 97209-3416, 503/221-2261.

(42 U.S.C. 5013; 5042)

Dated in Washington, DC on April 11, 1988.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 88-8176 Filed 4-12-88; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Department of Agriculture.

ACTION: Notice of revision of Privacy Act System of Records.

SUMMARY: An important provision of the Debt Collection Act of 1982 (Pub. L. No. 97-365) authorized a Federal employee's salary to be offset to satisfy debts owed the Government. To implement a salary offset program which allows the Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), to offset salaries to collect delinquent debts owed to Agricultural Stabilization and Conservation Service/Commodity Credit Corporation (ASCS/CCC) by Federal employees, ASCS, USDA, must participate in a computer match of its claims data base system of records against Federal agency payroll files. This match, which will be conducted in accordance with the Office of Management and Budget (OMB) Revised Supplemental Guidelines for Conducting Matching Programs (47 FR 21656, May 19, 1982), will identify delinquent debtors who are current or former Federal employees and who are indebted to ASCS/CCC. Matches will be performed by the United States Postal Service (USPS), and during the matching process certain information concerning ASCS/CCC delinquent debtors will be

disclosed to USPS. Therefore, USDA hereby provides notice of intent to disclose to the United States Postal Service certain information on delinquent debts in the USDA/ASCS-28 Privacy Act system of records, entitled "Claims Data Base (Automated) USDA/ASCS".

EFFECTIVE DATE: This notice will be adopted without further publication in the **Federal Register** on May 13, 1988, unless modified by a subsequent notice to incorporate comments received from the public. Any interested party may submit written comments about the revision to the system of records to the contact person listed below on or before May 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Joanne Szafran, Department of Agriculture, Agricultural Stabilization and Conservation Service, Fiscal Division, P.O. Box 2415, Washington, DC 20013, telephone (202) 447-4986.

SUPPLEMENTARY INFORMATION: The ASCS, USDA, in coordination with other Federal agencies, plans to participate in a computer matching program of its claims data base system of records against Federal agency payroll files to identify delinquent debtors who are current or former Federal employees. This matching program is a procedure involving the use of a computer to compare a substantial number of records in a Federal system of records with records in one or more other systems of records.

The claims data base system contains data on delinquent debts of agricultural producers. The purpose of this system is to provide the ASCS Fiscal Division with the necessary information to ensure collection of the overdue debts of agricultural producers. Maintenance and use of this system is intended to increase the efficiency of the Fiscal Division in collecting these overdue debts.

By enacting the Debt Collection Act, Congress acted to "increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts." An important provision of that Act authorizes a Federal employee's salary to be offset to satisfy debts owed the Government.

The ASCS claims data base system of records presently contains a routine use statement published at 53 FR 2517, January 28, 1988, that meets OMB guidelines for computer match operations by the Defense Manpower Data Center (DMDC), Department of Defense (DOD). A new routine use statement must be added to disclose

information for the matches with the USPS and to use information generated by the matches.

A "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which the record was collected. The purpose of this proposed routine use is to permit the release of limited information about delinquent debtors, such as name, social security number, delinquent amount, and claim number, for use in the proposed computer matching program. The ASCS, USDA, will be the source agency and the United States Postal Service will be the matching agency under this computer matching program.

In accordance with requirements of the Debt Collection Act and USDA implementing regulations, the creditor agency, ASCS, USDA, will notify the debtor of his/her due process rights with respect to the debt and give the individual the opportunity to resolve the claim through repayment of the debt on an installment basis before salary offset is initiated.

The computer matches will be conducted in accordance with the OMB Revised Supplemental Guidelines for Conducting Matching Programs (47 FR 21656, May 19, 1982). The USDA has signed an agreement with the matching agency requiring that the information disclosed by USDA under this computer matching program be used only for making computer matches. The parties have also agreed to safeguard the information provided from unauthorized disclosure.

This proposed routine use is compatible with the USDA purpose of providing the ASCS Fiscal Division with information necessary to ensure efficient collection of overdue debts of agricultural producers. It also is compatible with the authority provided at section 5 of the Debt Collection Act.

The following routine use is being added to the system of records, USDA/ASCS-28 entitled "Claims Data Base (Automated) USDA/ASCS" last published at 51 FR 46697, December 24, 1986, as amended at 53 FR 2517.

USDA/ASCS-28

SYSTEM NAME:

Claims Data Base (Automated),
USDA/ASCS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(9) Referral of information regarding indebtedness to the United States Postal

Service for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by ASCS/CCC in order to collect debts under the provisions of the Debt Collection Act of 1982 (Public. L. No. 97-365) by voluntary repayment, administrative or salary offset procedures, or by collection agencies.

Signed at Washington, DC, on April 5, 1988.

Orville G. Bentley,

Acting Secretary of Agriculture.

[FR Doc. 88-7838 Filed 4-8-88; 8:45 am]

BILLING CODE 3410-05-M

Office of the Under Secretary for, Small Community and Rural Development

Rural Development Town Meeting

Name: Rural Development Town Meeting

Date: Monday, April 25, 1988

Time: 12:00 noon to 2:00 p.m.

Location: City Hall Broken Bow, Nebraska 68822

Type of Meeting: Open public participation as time and space permit
Comments: Written comments may be filed before or after meeting with listed contact.

Purpose: To gather information relative to rural economic development, revitalization and diversification.

Contact: Rob Richards, Confidential Assistant, Office of the Under Secretary for Small Community and Rural Development, U.S. Department of Agriculture, Room 219-A Administration Building, Washington, DC 20250, (202) 447-2261.

Done at Washington, DC, this 8 day of April, 1988.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 88-8107 Filed 4-12-88; 8:45 am]

BILLING CODE 3410-01-M

Forms Under Review by Office of Management and Budget

April 8, 1988.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or

reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Foreign Agricultural Service
Export Product Review Application for Label Clearance
FAS-633
On occasion
Businesses or other for-profit; 200 responses; 66 hours; not applicable under 3504(h)
Audrey B. Talley, (202) 475-3408

Donald E. Hulcher,
Acting Departmental Clearance Officer.
[FR Doc. 88-8043 Filed 4-12-88; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

National Technical Information Service

Intent To Grant Exclusive Patent License; Extraction Technology Corp.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Extraction Technology Corporation having a place of business in Gulfport, Mississippi an exclusive license in the United States to practice the inventions

entitled "Selective Recovery of Nickel, Cobalt, Manganese from Sea Nodules with Sulfurous Acid," U.S. Patent No. 4,138,465 and "Recovery of Metals from Atlantic Sea Nodules," U.S. Patent No. 4,208,379. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the intended license would not serve the public interest.

Inquiries, comments and other materials relating to the intended license must be submitted to Charles A. Bevelacqua, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,
Associate Director, Office of Federal Patent
Licensing, National Technical Information
Service, U.S. Department of Commerce.

[FR Doc. 88-8006 Filed 4-12-88; 8:45 am]

BILLING CODE 3510-04-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 88-1-86JD]

1986 Jukebox Royalty Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:
Robert Cassler, General Counsel,
Copyright Royalty Tribunal, 1111 20th
St. NW., Suite 450, Washington, DC
20036, (202) 653-5175.

SUPPLEMENTARY INFORMATION: Under the procedures adopted by the Tribunal for this proceeding, the Tribunal resolved to determine whether Asociacion de Compositores y Editores de Musica Latino-americana (ACEMLA) was a copyright owner or a performing rights society in 1986 prior to requiring the production of written direct cases on entitlement.

Accordingly, the Tribunal has concluded based upon the record established in this proceeding that ACEMLA was a copyright owner in 1986. Therefore, the Tribunal directs that ACEMLA shall produce on May 4, 1988 its written direct case on entitlement, and that the three performing rights societies in this proceeding, ASCAP, BMI, and SESAC, having resolved their

differences, are not required to enter their proofs.

This is an interlocutory decision of the Tribunal. In accordance with 17 U.S.C. 803(b), a full and complete statement of the Tribunal's findings of fact and conclusions of law will be included in the Tribunal's final determination. This notice does not constitute a "final determination" pursuant to 17 U.S.C. 803(b) of a "final decision" under 17 U.S.C. 804(e) or 810.

Edward W. Ray,

Acting Chairman.

Dated: April 8, 1988.

[FR Doc. 88-8056 Filed 4-12-88; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee (Pub. L. 92-463), announcement is made of the following Committee Meetings:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 3 and 4 May 1988.

Times of Meeting: 0830-1630 hours, 3 May 1988.

0830-1600 hours, 4 May 1988.

Place: Fort Belvoir, Virginia.

Agenda: The Army Science Board Ad Hoc Subgroup on U.S. Army Belvoir Research, Development and Engineering Center effectiveness review will visit the Center for the purpose of gathering data. Follow-up meetings will be held with each directorate to gather further information covering their work program. Briefings will be presented by selected customers of the RD&E Center. In addition, one-on-one interviews will be conducted with a cross section of the RD&E Center staff. The panel will meet in executive session to discuss

observations as a result of the briefings and interviews. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Office, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-8027 Filed 4-12-88; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 4 and 5 May 1988

Time: 0830-1600 hours each day

Place: Fort Monmouth, New Jersey

Agenda: The Army Science Board Ad Hoc Subgroup on Electronic

Technology and Devices Laboratory will hold their second meeting, the purpose of which is to gather data to conduct an effectiveness review of ETDL. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202)695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-8028 Filed 4-12-88; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent to Prepare a Draft Supplement to the Lower Granite Final Environmental Impact Statement for a Proposed Flood Control and Navigation Dredging Project, Lower Granite Reservoir, Idaho and Washington

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice to intent.

SUMMARY:

1. The Corps of Engineers proposes to engage to flood control and navigation maintenance dredging in Lower Granite Reservoir during the interim period 1989-1994. The project will require annual dredging of river sediments from an area at or near the confluence of the Clearwater and Snake Rivers, Washington and Idaho. An integral part of this project would be a five-year test of in-water disposal of dredged sediments in the lower reservoir. The in-water disposal test is considered to be a critical element of an on-going Corps study to develop a long-term solution to sedimentation in Lower Granite Reservoir. In addition, upland disposal of sediments is also being considered for the Wilma Habitat Management Unit.

2. Alternatives to be investigated include:

- a. Dredging with in-water disposal.
- b. Dredging with upland disposal.
- c. No action.

3. Significant issues to be addressed in the draft supplement include effects of the alternatives on water quality, wildlife, fisheries, endangered species, cultural resources, and socioeconomics. The project will be reviewed under all applicable Federal, state, and local statutes.

4. Affected Federal, state, and local agencies, affected Indian tribes, and other interested organizations and parties are invited to participate in scoping for the draft supplement. A formal scoping meeting is not planned, however, comments should be directed to the address given below.

5. The draft supplement will be available on or about June 1, 1988. Comments concerning the project and draft SEIS should be addressed to Chief, Environmental Resources Branch, Corps of Engineers, Walla Walla District, Walla Walla, Washington 99362-9265. Comments or questions can be telephoned to Mr. Robert L. Palmer at 509-522-6927.

Dated: April 1, 1988.

Richard M. Ely,

LTC, CE, Acting Commander.

[FR Doc. 88-8029 Filed 4-12-88; 8:45 am]

BILLING CODE 3710-GC-M

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement

Advisory Council on Education Statistics (ACES); Meeting

AGENCY: Advisory Council on Education Statistics (ACES), Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: May 23-24, 1988.

ADDRESS: 555 New Jersey Avenue NW., Room 326, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Iris Silverman, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue,

Room 400J, Washington, DC 20208, Telephone: (202) 357-6831.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93-380. The Council is established to review general policies for the operation of the Center for Education Statistics (CES) in the Office of Educational Research and Improvement and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence. The meeting of the Council is open to the public. The proposed agenda includes the following:

- Elementary-Secondary Redesign
- Legislative Activity
- Statistical Standards Program
- Dropouts
- Council Business

Records are kept of all Council proceedings and are available for public inspection at the office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, NW., Room 400J, Washington, DC 20208.

Date: April 6, 1988.

Henry L. Curry,

Acting Assistant Secretary for Education Research and Improvement.

[FR Doc. 88-8042 Filed 4-12-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement; Atomic Energy Agreement With European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (ERUATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval of the following sale:

Contract Number S-EU-936, for the sale of 0.0996 grams of uranium, containing 0.099 grams of uranium-235 to the University of Regensburg, the Federal Republic of Germany, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy,

Date: April 8, 1988.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 88-8057 Filed 4-12-88; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 88-13-NG]

Pentex Petroleum, Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on March 21, 1988, of an application from Pentex Petroleum, Inc. (Pentex) for blanket authorization to import Canadian natural gas for short-term and spot market sales to various end-users located in New York and Pennsylvania to satisfy Pentex's gas supply contract obligations. Authorization is requested to import up to 10,000 Mcf per day of natural gas or up to 3.65 Bcf per year over a two-year term beginning on the date of approval by the ERA. Pentex proposes to use the blanket authorization requested during the first year to import gas purchased from Septre Resources Limited, an Alberta Corporation (Septre), at an initial base price for April 1988, of \$2.13 per MMBtu, subject to monthly redetermination.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed no later than May 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Natural Gas Division,
Economic Regulatory Administration,
Forrestal Building, Room GA-076,
1000 Independence Avenue, SW.,
Washington, DC 20585, (202) 586-9482
Michael T. Skinner, Natural Gas and
Mineral Leasing, Office of General
Counsel, U.S. Department of Energy,
Forrestal Building, Room 6E-042, 1000
Independence Avenue, SW.,
Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION:

On March 21, 1988, Pentex filed an application for blanket authorization to import up to 10,000 Mcf per day of Canadian natural gas, or up to 3.65 Bcf per year for a two-year period beginning on date of approval by the ERA. Pentex, a Texas Corporation, is a subsidiary of ENDEVCO, Inc., Dallas, Texas, with its principal office in Pittsburgh, Pennsylvania. Pentex is conducting business as a natural gas marketer selling gas offered for off-system sales by local distribution companies (LDCs) and currently has contractual obligations to supply up to 11,684 Mcf per day of gas to end-users in New York and Pennsylvania on a best-efforts basis. The applicant states that the Canadian gas would be imported at Niagara Crossing, New York, via existing pipeline facilities to help satisfy its contractual obligations to supply gas to various end-users served by the gas systems of the following LDCs: New York State Electric & Gas Company, National Fuel Gas Supply Corporation, Pennsylvania Gas & Water Company, Consolidated Gas Transmission Corporation and The Peoples Natural Gas Company. The balance of Pentex's gas supply contract obligations would be met from domestic gas supply sources.

During the first year, Pentex proposes to use the import authorization requested to import gas supplied by Septre Resources Limited, an Alberta Corporation (Septre), pursuant to a one-year gas purchase and sales contract dated March 11, 1988, between Septre and Pentex, which contract is subject to month-to-month extension. Under the Pentex-Septre contract, the initial base price of \$2.13 per MMBtu of natural gas is subject to monthly redetermination upon request by either Pentex or Septre. There are no take-or-pay or minimum take provisions. The applicant asserts that the price of the gas will be competitive with other sources of spot market gas.

Further, under the initial gas supply arrangement, the Canadian gas would be delivered by TransCanada PipeLines, Ltd. to Tennessee Gas Pipeline Company who would deliver the gas to

the LDCs for redelivery to end-users located on the LDCs gas systems.

The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

All parties should be aware that if the ERA approves this requested blanket import, it may designate a total amount of authorized volumes for the term rather than a daily or annual limit, in order to provide the applicant with maximum flexibility of operation. ERA will also condition the authorization on the filing of quarterly reports to facilitate ERA monitoring of the operation and effectiveness of the blanket program.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.d.t., May 13, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete

understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Pentex's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., April 5, 1988.

Constance L. Buckley,
Director, Natural Gas Division, Office of
Fuels Programs, Economic Regulatory
Administration.

[FR Doc. 88-8104 Filed 4-12-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER88-324-00 et al.]

Louisville Gas and Electric Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

April 8, 1988.

Take notice that the following filings have been made with the Commission:

1. Louisville Gas and Electric Co.

[Docket No. ER88-324-000]

Take notice that on April 4, 1988, Louisville Gas and Electric Company (Louisville) tendered for filing the initial Interconnection Agreement between Louisville and Wabash Valley Power Association, Inc. (Wabash Valley) dated February 3, 1988.

The purpose of this filing is to provide the parties with a coordinated, interconnected operation that provides for the sale, purchase and interchange of electric power.

Copies of the filing were served on Wabash Valley and the Public Service Commission of Kentucky.

The Interconnection Agreement provides for service schedules that are designated:

- I. Service Schedule A—Emergency Energy
- II. Service Schedule B—Interchange Energy
- III. Service Schedule C—Seasonal Power
- IV. Service Schedule D—Short Term Power
- V. Service Schedule E—Limited Term Power
- VI. Service Schedule F—Diversity Power

Comment date: April 25, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Pacific Power & Light Co., an assumed business name of PacificCorp

[Docket No. ER88-322-000]

Take notice that on April 4, 1988, Pacific Power & Light Company, and assumed business name of PacificCorp tendered for filing, in accordance with section 35 of the Commission's Regulations, a Revised Exhibit B, dated October 1, 1987 to the May 29, 1981 Transmission Agreement (Pacific's Rate Schedule FERC No. 213), between Pacific, Deseret Generation & Transmission Co-Operative (Deseret), and Bridger Valley Electric Association, Inc. (Bridger Valley).

Exhibit B to the Transmission Agreement is revised annually in accordance with Article 12(ii) of the Agreement, and specifies the projected maximum integrated demand in kilowatts which Deseret desires to have transmitted to Bridger Valley for a four-year rolling period.

Pacific respectfully requests, pursuant to § 35.11 of the Commission's Regulations, that a waiver of prior notice be granted and an effective date of October 1, 1987, be assigned, this date being consistent with the effective date shown on Exhibit B.

Copies of this filing were supplied to Deseret, Bridger Valley, and the Wyoming Public Service Commission.

Comment date: April 25, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Arkansas Power & Light Co.

[Docket No. ER88-321-000]

Take notice that on April 4, 1988, Arkansas Power & Light Company (AP&L) tendered for filing redetermined

rates pursuant to a transmission agreement between AP&L and the Louisiana Energy & Power Authority. AP&L requests an effective date of March 1, 1988 for the redetermined rates.

Comment date: April 25, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Arkansas Power & Light Co.

[Docket No. ER88-320-000]

Take notice that on April 4, 1988, Arkansas Power & Light Company (AP&L) tendered for filing redetermined rates pursuant to a Letter Agreement dated December 23, 1986, between AP&L and the Cajun Electric Power Cooperative, Inc. (CAJUN) for transmission service. AP&L requests an effective date of March 1, 1988 for the redetermined rates.

Comment date: April 25, 1988, in accordance with Standard Paragraph E at the end of this notice.

5. Pacific Power & Light Co., an assumed business name of PacificCorp

[Docket No. ER88-323-000]

Take notice that on April 4, 1988, Pacific Power & Light Company, an assumed business name of PacificCorp tendered for filing, in accordance with section 35 of the Commission's Regulations, Exhibit A, Revision No. 11, dated December 1, 1987 to the February 25, 1976 Transmission Agreement (Pacific's Rate Schedule FPC No. 123), between Pacific and Tri-State Generation and Transmission Association, Inc. (Tri-State).

Exhibit A to the Transmission Agreement is revised annually in accordance with Article 6(b) of the Agreement, and specifies the projected maximum integrated demand in kilowatts which Tri-State desires to have transmitted to the respective Points of Delivery for a four-year rolling period.

Pacific respectfully requests, pursuant to § 35.11 of the Commission's Regulations, that a waiver of prior notice be granted and an effective date of September 30, 1987, be assigned, this date being consistent with the provisions of Article 6(b) of the Transmission Agreement.

Copies of this filing were supplied to Tri-State and the Wyoming Public Service Commission.

Comment date: April 25, 1988, in accordance with Standard Paragraph E at the end of this document.

6. Arizona Public Service Co.

[Docket No. ER88-326-000]

Take notice that on April 4, 1988, Arizona Public Service Company (APS)

tendered for filing Supplemental Capacity Sale Agreements (Agreements) between the Roosevelt Irrigation District (RID), McMullen Valley Water Conservation and Drainage District (MVWCDD), Electrical District No. 8 (ED-8), Wellton-Mohawk Irrigation & Drainage District (Wellton-Mohawk), Aguila Irrigation District (AID), Maricopa County Municipal Water Conservation District No. 1 (MCM), Citizens Utilities Company (Citizens), the Town of Wickenburg (Wickenburg), (collectively referred to as the Customers or Parties) and APS.

The Agreements provide for the sale of supplemental capacity and associated energy, on a firm basis by APS to the Parties. The proposed sale is generally for the summer period of June 1, 1988 through September 30, 1988, only. However, three customers have negotiated for, and APS has agreed to provide slightly different periods of service.

The Parties recognize their obligation to provide for the supplemental load thereafter.

APS, with the concurrence of the Parties, has also filed Notices of Cancellation to be effective at midnight September 30, 1988, for all of the Parties except Wellton-Mohawk, which has negotiated for service until October 30, 1988.

APS and the parties request that the normal notice requirements be waived so that these Agreements may become effective June 1, 1988, except for Wickenburg Wellton-Mohawk and Citizens which have negotiated May 1, May 15 and August 1, 1988 effective dates, respectively.

A copy of this filing has been served upon the Parties, and the Arizona Corporation Commission.

Comment date: April 25, 1988, in accordance with Standard Paragraph E at the end of this notice.

7. San Diego Gas & Electric Co.

[Docket No. ER88-325-000]

Take notice that on April 4, 1988, San Diego Gas & Electric Company (SDG&E) tendered for filing rate schedule changes to the following agreements between SDG&E and Southern California Edison Company (Edison):

- 1. Short Term Firm Transmission Service Agreement, Rate Schedule FERC No. 58.
- 2. Interruptible Transmission Service Agreement, Rate Schedule FERC No. 59.
- 3. Firm Transmission Service Agreement, Rate Schedule FERC No. 60.

Under the terms of the agreements, SDG&E will make available to Edison firm and interruptible transmission

service between points near the U.S.-Mexico border and San Onofre.

SDG&E has requested an effective date of January 1, 1988 and therefore, SDG&E is requesting a waiver of the prior notice requirements.

Comment date: April 25, 1988, in accordance with Standard Paragraph E at the end of this notice.

8. Exxon Company, USA

[Docket No. QF88-323-000]

On March 30, 1988, Exxon Company, USA, (Applicant), of 225 West Hillcrest Drive, Thousand Oaks, California 91359, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility (Santa Ynez Facility) will be located in Las Flores Canyon, approximately twenty-five miles west of Santa Barbara, California. The facility will consist of a back-pressure steam turbine generator, a combustion turbine generator, and a heat recovery steam generator. Thermal energy recovered from the facility will be used to provide process heat to an oil treating plant and a stripping gas treatment plant. Primary energy source will be natural gas. The net electric power production capacity of the facility will be 48.3 MW. Startup of the new facility is expected to begin in the first quarter of 1990.

Comment date: Thirty days from publication in the *Federal Register*, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8093 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER88-318-000 et al.]

Portland General Electric Co. et al., Electric rate, Small power production, and Interlocking Directorate filings

April 6, 1988.

Take notice that the following filings have been made with the Commission:

1. Portland General Electric Co.

[Docket No. ER88-318-000]

Take notice that on April 1, 1988, Portland General Electric Company (PGE) tendered for filing its revised average System Cost (ASC) which reflects PGE's Power Cost Adjustment (PCA) rate change which became effective with meter readings on and after September 1, 1987. This filing includes a revised Schedule 4 to Appendix 1, Exhibit C of the Residential Purchase and Sale Agreement along with the authorization to implement this rate change from the Public Utility Commission of Oregon.

PGE states that the filing shows that the third quarter PCA adjustment to the current base ASC is 0.89 mills/kWh, which when added with the base ASC results in a net ASC rate effective for this period.

Comment date: April 21, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Orange and Rockland Utilities, Inc.

[Docket No. ER88-317-000]

Take notice that on April 1, 1988, Orange and Rockland Utilities, Inc. (Orange and Rockland) tendered for filing pursuant to Federal Energy Regulatory Commission's order issued January 15, 1988 in Docket No. ER88-112-000, an executed Service Agreement between Orange and Rockland and KW Control Systems (KW Control).

Comment date: April 21, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Commonwealth Edison Co.

[Docket No. ER88-316-000]

Take notice that on April 1, 1988, Commonwealth Edison Company (Edison) tendered for filing Rate 79B, Wholesale Service to the City of Rochelle, an unexecuted Rate 79B Electric Service Contract dated October 1, 1988, between Edison and the City of Rochelle, Illinois (Rochelle) and revised

Rider Nos. 6, 11 and 20A. Edison also tendered for filing a revised Index of Purchasers under Edison's FERC Electric Tariff and a revised Table of Contents for Edison's FERC Electric Tariff. Edison's present electric service contract with Rochelle terminates October 1, 1988. Under the proposed Rate 79B Electric Service Contract and proposed Rate 79B, Edison proposes to continue service to Rochelle at the same rates under which service is now being provided. Edison proposes that the changes in rate schedules filed herewith be made effective within 60 days, but that the effectiveness of such changes be suspended and that the changed rate schedules be permitted to take effect on and after October 1, 1988.

Comment date: April 21, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Empire District Electric Co.

[Docket No. ER88-319-000]

Take notice that on April 1, 1988, Empire District Electric Company tendered for filing proposed changes in its contract for Wholesale Electric Service with the City of Mount Vernon, Missouri.

The proposed changes would allow the terms and conditions of the present contract to remain in effect until March 8, 2008.

Copies of the filing were served upon the city of Mt. Vernon, Missouri.

Comment date: April 21, 1988, in accordance with Standard Paragraph E at the end of this notice.

5. Iowa Public Service Co.

[Docket No. ER88-303-000]

Take notice that on February 3, 1988, Iowa Public Service Company tendered for filing a Notice of Cancellation of FERC No. 80.

A copy of this filing has been served upon St. Joseph Light & Power Company and the Iowa Utilities Board.

Comment date: April 21, 1988, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Company of New Mexico

[Docket No. ER88-315-000]

Take notice that on April 1, 1988, Public Service Company of New Mexico (PNM) tendered for filing the following:

(1) Notice of Termination of the 236 MW San Juan Contingent Capacity Agreement between PNM and San Diego Gas & Electric Company (SDG&E) (San Juan Agreement); and

(2) Notice of Termination of the PNM-SDG&E Agreement for Sale and

Purchase of Precommercial Energy from Palo Verde Nuclear Generating Station (PVNGS) Unit 3 (Precommercial Energy Agreement).

PNM states that the San Juan Agreement (PNM Rate Schedule FERC No. 39) expires by its own terms on April 30, 1988. Consistent with the intent of the parties, PNM therefore requests waiver of the notice requirements of 18 CFR 35.15 to permit the proposed termination to be effective as of April 30, 1988.

PNM also states that the Precommercial Energy Agreement (PNM Rate Schedule FERC No. 71) expires by its own terms on the date PVNGS Unit 3 is declared in firm operation. The Date of Firm Operation for Unit 3 has been determined to be January 7, 1988 for Project accounting purposes. Accordingly, consistent with the intent of the parties, PNM therefore requests waiver of the notice requirements of 18 CFR section 35.15 to permit the proposed termination to be effective as of January 7, 1988.

Comment date: April 21, 1988, in accordance with Standard Paragraph E at the end of this notice.

7. Chevron U.S.A. Inc.

[Docket No. QF88-317-000]

On March 25, 1988, Chevron U.S.A. Inc. of 1515 Poydras, New Orleans, LA 70112 and Chevron Pipe Line Company of 3520 General DeGaulle, New Orleans, LA 70114 jointly submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Lafourche Parish, Louisiana. The facility will consist of a combustion turbine generating unit and a heat recovery steam generator. Steam produced by the facility will be used to treat crude oil. The electric power production capacity of the facility will be 3.5 MW. The primary energy source will be natural gas. Installation of the facility will begin in the third quarter of 1988.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 88-8090 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP88-17-000]

El Paso Natural Gas Co.; Petition To Reopen and Vacate Well Category Determinations

April 8, 1988.

Take notice that on March 16, 1988, El Paso Natural Gas Company (El Paso) filed a petition requesting the Commission to reopen and vacate 1) a determination that the Wilcox Lobo Sands Formation (Lobo Sands) in the State of Texas qualifies as a tight sands formation, and 2) certain individual well category determinations for wells on the La Perla Ranch that are completed in the Lobo Sands. These wells are operated by TransAmerica Natural Gas Corporation. El Paso states that the Lobo Sands designation, which was recommended by the Texas Railroad Commission (Texas) and approved by this Commission, enabled production from the above-mentioned wells to qualify for incentive prices as high-cost natural gas under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA).

El Paso asserts that during the 1980 tight formation proceeding, core and flow data were withheld from Texas, and that the Lobo Sands would not have qualified as a tight formation if this data had not been withheld. El Paso argues that this withholding of data constitutes an omission of material fact, warranting reopening and vacating the subject well-category determinations pursuant to section 503(d) of the NGPA.

Furthermore, El Paso contends that the Commission violated § 271.703(c)(2)(i) of the Commission's regulations by adopting Texas' recommendation based upon median *in situ* gas permeability levels rather than arithmetic mean permeability levels. Even if the Commission does not vacate the determinations heretofore made, El Paso asserts that future wells on the La Perla Ranch which are completed in the Lobo

Sands should not qualify for section 107(c)(5) treatment. El Paso requests a hearing if the Commission needs additional data pertaining to the subject determinations.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 or 211 of the Commission's rules of practice and procedure. 18 CFR 385.214 and 385.211 (1987). All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 30 days following publication of this notice in the Federal Register. All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 88-8098 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

ANR Pipeline Co.; Notice of Proposed Changes

[Docket No. RP86-169]

April 7, 1988.

Take notice that on April 1, 1988 ANR Pipeline Company ("ANR") tendered for filing, pursuant to section 4 of the Natural Gas Act the following tariff sheets to its FERC Gas Tariff:

Description	Effective date
Original Volume No. 1: Substitute Fifteenth Revised Sheet No. 18.	Apr. 1, 1988.
Substitute Sixteenth Revised Sheet No. 18.	May 1, 1988.
Original Volume No. 1-A: Fourth Revised Sheet Nos. 5 and 6.	Apr. 1, 1988.
Third Revised Sheet Nos. 7 and 8.	Do.
Original Volume No. 2: Third Revised Sheet Nos. 16, 17, 18 & 19.	Do.
Fifth Revised Sheet No. 20	Do.
Fourth Revised Sheet No. 21	Do.

ANR states that this filing is made in accordance with the Commission's Order issued on March 28, 1988 approving the Settlement Agreement in the referenced docket and reflects a reduction in rates applicable to the elimination of cash working and the removal of uncertificated facilities from its cost of service.

ANR requests that these tariff sheets be made effective as indicated.

Any person desiring to be heard or to protest said filing should file a motion to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. In accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed before April 14, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8019 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-3-48-000]

ANR Pipeline Co.; PGA Rate Change Filing

April 7, 1988.

Take notice that on March 31, 1988, ANR Pipeline Company ("ANR"), pursuant to section 15 of the General Terms and Conditions of its F.E.R.C. Gas Tariff, Original Volume No. 1, tendered for filing with the Federal Energy Regulatory Commission ("Commission") the following tariff sheet:

Sixteenth Revised Sheet No. 18

ANR states that Sixteenth Revised Sheet No. 18 of its FERC Gas Tariff, Original Volume No. 1, reflects a 17.98¢ per dekatherm ("dth") increase in the gas cost component of the commodity rate of ANR's CD-1/MC-1 Rate Schedules, a decrease of \$0.149 in the monthly D-1 demand rate and an increase of 1.08¢ in the D-2 demand rate applicable to the CD-1/MC-1 Rate Schedules. The instant filing further reflects increases in ANR's one-part rates applicable to Rate Schedules SGS-1 and LVS-1 of 19.15¢ and 18.85¢ respectively, per dth.

ANR states that copies of the filing were served upon all of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in

accordance with Rules 211 and 214 of the Commission's Rules and Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 14, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8023 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-5-51-000]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

April 7, 1988.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes"), on April 1, 1988, tendered for filing the following tariff sheets to its FERC Gas Tariff.

Tariff Sheets Effective January 1, 1988

First Revised Volume No. 1

Substitute Thirteenth Revised Sheet No. 1

Substitute Seventh Revised Sheet No. 52

Fifth Revised Sheet No. 53

Substitute Eighth Revised Sheet No. 54

Fifth Revised Sheet No. 54-A

Sixth Revised Sheet No. 55

Third Revised Sheet No. 56

Second Revised Sheet No. 56-A

Second Revised Sheet No. 56-B

Substitute Sixteenth Revised Sheet No. 57-A

Original Volume No. 2

Substitute Nineteenth Revised Sheet No. 1

Substitute Eighth Revised Sheet No. 53-B

Fifth Revised Sheet No. 53-C

Substitute Fourth Revised Sheet No. 78-B

Fifth Revised Sheet No. 78-C

Ninth Revised Sheet No. 123

First Revised Volume No. 2

Substitute Original Sheet No. 467

Substitute Original Sheet No. 468

Tariff Sheets Effective April 1, 1988

First Revised Volume No. 1

Twelfth Revised Sheet No. 57(i)

Twelfth Revised Sheet No. 57(ii)

Tariff Sheet Effective May 1, 1988

First Revised Volume No. 1

Thirteenth Revised Sheet No. 57(i)

Thirteenth Revised Sheet No. 57(ii)

Great Lakes states that the tariff sheets with an effective date of Jan. 1, 1988 reflect the elimination of the incremental pricing surcharge provisions in Great Lakes' tariff. These tariff changes were filed pursuant to Commission Order No. 478, issued on July 27, 1987, which rescinded incremental pricing effective January 1, 1988 and directed natural gas pipeline companies to eliminate the incremental pricing tariff provisions of their FERC Gas Tariff in their first PGA filing of 1988.

Great Lakes states that Twelfth Revised Sheet Nos. 57(i) and 57(ii), to be effective April 1, 1988, reflect changes in the price of natural gas purchased by Great Lakes from TransCanada PipeLines Ltd. ("TransCanada") for resale to certain customers and for volumes purchased for company use gas. These changes are in accordance with gas pricing provisions which were agreed upon between TransCanada and the resale customer for the resale gas and between Great Lakes and TransCanada for the company use gas.

Great Lakes states that Thirteenth Revised Sheet No. 57(i) and 57(ii) reflect a gas cost surcharge resulting from maintaining unrecovered purchased gas cost accounts for the period commencing September 1, 1987 and ending February 29, 1988. These tariff sheets also reflect the above-mentioned gas purchase price changes along with minor current adjustments resulting from changes in the heat content of the gas purchased and updated allocation factors for assigning company use gas costs to the various Gas Purchase Contract Groups.

Great Lakes has requested waiver of the 30 day notice requirement of the provisions of § 154.38(d)(4)(iv)(a) of the Commission's Regulations and any other necessary waivers so as to permit Twelfth Revised Sheet Nos. 57(i) and 57(ii) to become effective on April 1, 1988.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests or protests should be filed on or

before April 14, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois Cashell,
Acting Secretary.

[FR Doc. 88-8022 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA88-9-000]

Ralph L. Leaderbrand; Notice of Petition for Adjustment

April 8, 1988.

Take notice that on March 9, 1988, Ralph L. Leaderbrand filed a petition for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA). Leaderbrand seeks adjustment relief so that it will not be required to refund the difference between the NGPA section 108 stripper well price it collected and the section 104 price that it should have collected for gas sold from the Bodcaw No. 1, the Bank of Minden No. 1, the Crichton A No. 1, and the Crichton B No. 1 wells located in the Sibley Field, Webster Parish, Louisiana. Leaderbrand also requests that money not yet received for production from each of these wells from November 1987 forward be based on the NGPA section 108 price for enhanced recovery wells.

Leaderbrand states that on February 6, 1979, Louisiana determined that the Bodcaw well qualified for NGPA section 108 status, and that on several dates in July 1980 the other three wells also qualified for section 108 status. These wells subsequently disqualified for NGPA section 108 status because of overproduction. Leaderbrand seeks authorization to retail all revenues collected from February 1979 through October 1987 for production from the Bodcaw well, and from July 1980 through October 1987 for production from the other three wells. According to Leaderbrand, its purchaser, United Gas Pipe Line Company, did not notify it of the wells' overproduction until November 24, 1987. Leaderbrand states that these wells now qualify as section 108 enhanced recovery wells.

Leaderbrand asserts that its cost and revenue data, submitted in support of its petition, demonstrate that if adjustment relief is denied, it will suffer losses, inequity, and hardship. Finally, Leaderbrand requests authorization to collect the enhanced recovery section 108 price, retroactive to the dates that these wells were initially determined to

qualify for section 108 status.

The procedures applicable to the conduct of this proceeding are set forth in Rules 1101-1117 (Subpart K) of the Commission's rules of practice and procedure. Any person desiring to participate in this proceeding must file a motion to intervene in accordance with Rule 1105. All motions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 88-8099 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-22-M

[Docket No. RP72-149-023, et al.]

Mississippi River Transmission Corp. et al.; Filing of Pipeline Refund Reports and Refund Plans

April 8, 1988.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports. The date of filing and docket number are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before April 29, 1988. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,
Acting Secretary.

Appendix

Filing date	Company	Docket No.
Feb. 19, 1988	Mississippi River Transmission Corp.	RP72-149-023
Mar. 14, 1988	Enron (Northern Natural Gas Company).	RP82-71-023
Mar. 16, 1988	Panhandle Eastern Pipe Line Co.	RP86-116-018
Mar. 23, 1988	Texas Eastern Transmission Corp.	RP85-177-051

[FR Doc. 88-8096 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-98-000]

National Fuel Gas Supply Corp.; Petition for Authority to Institute Direct Billing Procedure for Retroactive Order No. 473 Payments

April 7, 1988.

Take notice that on March 31, 1988, National Fuel Gas Supply Corporation (National) filed a petition for authority to institute a direct billing procedure to recover from its customers retroactive payments for production-related costs made by National pursuant to Order No. 473.

National states that under the proposal it will bill each customer directly and without reference to its current level of gas purchase for its share of all production-related cost payments made by National. National proposes to directly bill each of its customers for its *pro rata* share of the retroactive Order No. 473 costs either paid by National to its producers or directly billed and paid by National to its pipeline suppliers. National states that such amounts will include paid and accrued interest. National states that direct bills would be rendered within 45 days of the date this petition is finally approved or, for payments made after this petition is approved within 45 days of the date National pays a retroactive Order No. 473 amount. National believes that this billing program results in a much more equitable allocation of costs among customers than would occur from including the retroactive Order No. 473 amounts in the PGA.

National requests that the Commission grant any waivers of its regulations and National's tariff as may be required to make the direct billing proposal effective as proposed.

National requests that the above-described direct billing proposal for compression costs is in the public interest and should be authorized as expeditiously as possible.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 1385.214, 385.211). All such motions or protests should be filed on or before April 14, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8020 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-150-104]

Natural Gas Pipeline Company of America; Filing of Supplemental Report of Distribution of Refunds

April 8, 1988.

Take notice that on March 31, 1988, Natural Gas Pipeline Company of America (Natural) tendered for filing its Supplemental Report of Distribution of Refunds reflecting revisions to the June 26, 1987, refund in the above dockets. The report also reflects refunds relating to Docket Nos. RP86-162 and CP86-582.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before April 29, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8097 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP 88-99-000]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

April 8, 1988.

Take notice that on April 5, 1988, Transcontinental Gas Pipe Line Corporation ("Transco") tendered for filing Second Revised Sheet Nos. 114, 126, 178, and First Revised Sheet Nos. 114A, 126A, and 178A to its FERC Gas Tariff, Second Revised Volume No. 1.

The proposed effective date of the revised tariff sheets is May 1, 1988.

Transco states that the purpose of the filing is to revise its currently effective Rate Schedules GSS, LGA and LSS to remove the existing 15% restriction and daily and total quantity injections of gas purchased from third-party sellers into storage pursuant to the provisions of each such storage rate schedule for customers who convert in excess of 15%

of their firm purchase entitlement from Transco to firm transportation effective on or before May 1, 1988. Such customers' injections of gas quantities not purchased from Transco would be limited on a daily and total quantity basis to the permanent conversion percentage exercised on or before May 1, 1988.

Transco states that copies of the filing have been served upon its customers, state commissions, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protest should be filed on or before April 15, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8100 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA88-92-000]

United Gas Pipe Line Co., Notice of Proposed Changes in FERC Gas Tariff

April 7, 1988.

Take notice that on March 31, 1988, United Gas Pipe Line Company (United) tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1, to be effective May 1, 1988.

United states that this filing provide for a level of rates and charges required to recover its increased operating costs. United states that the proposed new rates, when compared to the currently effective rates at Docket No. RP85-209, will result in an annual jurisdictional revenue increase of approximately \$30 million.

United states that modified fixed-variable (MFV) principal of cost classification, allocation and rate design have been applied to all jurisdictional customers. United also proposes to eliminate or discontinue enforcing the "full requirements" provisions contained in currently effective service agreements effective as of the date the proposed tariff sheets are allowed to become

effective. United states that customers desiring to continue purchasing gas under a one-part rate subject to a full requirements clause will be provided that right under a new rate schedule proposed concurrently with the subject rate filing.

United states that in order to coordinate its rights to adjust its rates under section 4 of the Natural Gas Act with the possibility that certain of United's sales customers may seek to abandon their rights to purchase gas from United, a change in section 5.2 of the General Terms and Conditions of its FERC Gas Tariff is proposed to ensure that a firm sales customer's demand charge responsibility continues to apply for a nine-month notice period when and as any such customer is authorized to abandon its rights to purchase gas from United.

United also states that it is proposing to (1) eliminate zones and mileage based distinctions for sales and transportation service, including a postage-stamp rate design with a winter period adjustment for onshore interruptible transportation service, and (2) reflect a demand-commodity rate structure for all sales customers.

United states that three of its pipeline sales customers have filed for abandonment of all or a portion of their rights to purchase gas from United under the PL Rate Schedule. United states that rates have been filed under the assumptions that (1) the three pipeline sales customers will be successful in abandoning purchase obligations under Rate Schedule PL service agreements, either by Commission grant of the abandonment applications, without conditions or pursuant to claimed authority under Order No. 490 (the "Primary Rates") and (2) the Commission will take no action on any of the pending abandonment applications and no abandonment will be accomplished pursuant to Order No. 490 (the "Abandonment Rates"), and that rates under both assumptions are reflected on Sheet No. 4. United states that upon the expiration of the suspension period, United will file revised tariff sheets to reflect the action taken by the Commission, if any, during the suspension period that has an effect upon the Primary Rates.

In addition, United states that it is proposing to change sections 19 and 24 of the General Terms and Conditions of its FERC Gas Tariff to reflect (1) a change from the unit-of-sales to the unit-of-purchase methodology for determining United's current and deferred purchased gas costs, and (2) the institution of a mechanism to

provide United's sales customers with a credit for net revenues received by United, as a result of transportation service performed for third-parties through United's capacity in other pipeline systems.

United states that it is also proposing to implement an experimental interruptible storage service under new Rate Schedule UIS which will be available to any qualified shipper on a first-come, first-served basis.

United states that it proposes to return excess deferred income taxes (resulting from the Tax Reform Act of 1986) through a "Reverse South Georgia" Method. In addition, United is proposing to reclassify certain gas plant and related accumulated reserve and operating expenses, previously associated with the gathering function, to the transmission function.

United is also to eliminate certain obsolete tariff provisions that affect the Discount Rate Schedule, the PLE Rate Schedules, and the "T" Rate Schedule. Finally, United is proposing to eliminate certain provisions of Rate Schedules FTS and ITS that currently provide for a separately stated incremental offshore transportation charge.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211. All such motions or protest must be filed on or before April 14, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8021 Filed 4-12-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180766; FRL; 3364-4]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the five States and the United States Department of Agriculture, as

listed below. Also listed is a quarantine exemption grants to the Territory of Guam, Office of the Governor. These exemptions, issued during the months of December and January, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the EPA contact person listed below.

DATES: See each specific and quarantine exemption for its effective date.

FOR FURTHER INFORMATION CONTACT:

See each emergency exemption for the name of the contact person: The following information applies to all contact persons: By mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. California Department of Food and Agriculture for the use of sethoxydim on broccoli, lettuce, and cauliflower to control watergrass; December 23, 1987, to December 31, 1987. California had initiated a crisis exemption for this use. (Robert Forrest)

2. California Department of Food and Agriculture for the use of methidathion on kiwi fruit to control scale; January 1, 1988, to March 31, 1988. (Robert Forrest)

3. California Department of Food and Agriculture for the use of metalaxyl on blackberries, boysenberries, youngberries, evergreen, thornless berries, and caneberries to control downy mildew; December 1, 1987, to April 30, 1988. (Robert Forrest)

4. Illinois Department of Agriculture for the use of Harmony on wheat to control wild garlic; January 25, 1988, to April 30, 1988. Solicitation of public comment was published in the *Federal Register* of December 16, 1987 (52 FR 47755). This exemption was issued on the basis that an emergency condition exists and the use will not cause unreasonable adverse effects to the environment. (Robert Forrest)

5. North Carolina Department of Agriculture for the use of Harmony on wheat and barley to control wild garlic; January 25, 1988, to April 30, 1988. Solicitation of public comment was published in the *Federal Register* of January 13, 1988 (53 FR 793). This exemption was issued on the basis that an emergency condition exists and the use will not cause unreasonable adverse effects to the environment. (Robert Forrest)

6. Texas Department of Agriculture for the use of permethrin on kale, kohlrabi, mustard greens and turnip greens to control cabbage looper; December 1, 1987, to April 30, 1988. Texas had initiated a crisis exemption for this use. (Don Stubbs)

7. Virginia Department of Agriculture and Consumer Services for the use of Harmony of barley and wheat to control wild garlic; January 25, 1988, to April 15, 1988. Solicitation of public comment was published in the *Federal Register* of December 16, 1987 (52 FR 47755). This exemption was issued on the basis that an emergency condition exists and the use will not cause unreasonable adverse effects to the environment. (Robert Forrest)

8. United States Department of Agriculture for the use of methyl bromide on oak logs to control oak wilt fungus; December 23, 1987, to December 23, 1988. (Robert Forrest)

9. United States Department of Agriculture for the use of fluvalinate in bee colonies to control Varroa mite; December 23, 1987, to October 19, 1990. USDA had initiated a crisis exemption for this use (Libby Pemberton)

Two quarantine exemptions were granted to the:

Territory of Guam, Office of the Governor, for the use of methyl bromide on broccoli, cauliflower, lettuce, celery, and spinach to control western flower thrips and cabbage aphid; January 12, 1988, to January 11, 1991. (Libby Pemberton)

Authority: 7 U.S.C. 136.

Dated: April 1, 1988.

Douglas D. Camp,

Director, Office of Pesticide Programs.

[FR Doc. 88-7940 Filed 4-12-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-36155; FRL-3361-9]

Publication of Addenda on Data Reporting To Pesticide Assessment Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Addenda to the Pesticide Assessment Guidelines for certain studies have been finalized and are now available to the public from the National Technical Information Service (NTIS). The studies involved are: Eye Irritation, Dermal Irritation, Dermal Sensitization, Acute and Subchronic Delayed Neurotoxicity, Hydrolysis, Photolysis, Aerobic Soil Metabolism, and Leaching and Adsorption/Desorption. The

addenda supersede paragraphs in the Guidelines on data reporting and provide a format for the preparation of study reports by those submitting data to EPA. While these Guidelines are not mandatory at this time, data submitters are strongly encouraged to follow the formats so that reports will be consistent, thereby increasing the efficiency of pesticide registration and other regulatory activities.

ADDRESS: Guidelines can be ordered from: National Technical Information Service, Attn: Order Desk, 5285 Port Royal Road, Springfield, VA 22161 (703-487-4650).

FOR FURTHER INFORMATION CONTACT:

Elizabeth M.K. Leovey, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental

Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 703B, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2162).

SUPPLEMENTARY INFORMATION: The specific addenda currently available from NTIS, with NTIS order number and price, are as follows:

Document title	NTIS accession No.	EPA document No.	Hardcopy ¹ price
Pesticide Assessment Guidelines, Subdivision F, Hazard Evaluation: Human and Domestic Animals, Series 81-4, Eye Irritation, Addendum 2 on Data Reporting.	PB88-162292	540/09-88-023	\$9.95
Pesticide Assessment Guidelines, Subdivision F, Hazard Evaluation: Human and Domestic Animals, Series 81-5, Dermal Irritation, Addendum 3 on Data Reporting.	PB88-161179	540/09-88-024	9.95
Pesticide Assessment Guidelines, Subdivision F, Hazard Evaluation: Human and Domestic Animals, Series 81-6, Dermal Sensitization, Addendum 4 on Data Reporting.	PB88-162227	540/09-88-028	9.95
Pesticide Assessment Guidelines, Subdivision F, Hazard Evaluation: Human and Domestic Animals, Series 81-7 and 82-5, Acute Delayed Neurotoxicity of Organophosphorous Substances and Subchronic Delayed Neurotoxicity (90-day Study), Addendum 5 on Data Reporting.	PB88-162219	540/09-88-029	9.95
Pesticide Assessment Guidelines, Subdivision N, Chemistry: Environmental Fate, Series 161-1, Hydrolysis Studies, Addendum 3 on Data Reporting.	PB88-159892	540/09-88-022	12.95
Pesticide Assessment Guidelines, Subdivision N, Chemistry: Environmental Fate, Series 161-2 and 161-3, Photolysis Studies, Addendum 4 on Data Reporting.	PB88-159900	540/09-88-021	12.95
Pesticide Assessment Guidelines, Subdivision N, Chemistry: Environmental Fate, Series 162-1, Aerobic Soil Metabolism Studies, Addendum 5 on Data Reporting.	PB88-161187	540/09-88-025	12.95
Pesticide Assessment Guidelines, Subdivision N, Chemistry: Environmental Fate, Series 163-1, Leaching and Adsorption/Desorption Studies, Addendum 6 on Data Reporting.	PB88-161195	540/09-88-026	12.95

¹ Also available in microfiche at \$6.95 each.

This is the fourth set of Data Reporting Guidelines published by the Agency. Publication of the previous sets were announced in the Federal Register of November 26, 1986 (51 FR 42931); September 23, 1987 (52 FR 35766); and January 28, 1988 (53 FR 2535). These documents were reviewed by the U.S. Department of Agriculture, the Food and Drug Administration, and other organizations within EPA. They underwent public comment announced in the Federal Register of October 15, 1986 (51 FR 36753) and March 25, 1987 (52 FR 9536). The documents were revised to reflect consideration of these comments and the public comments are addressed in the documents.

Orders may be placed by mail or telephone. All orders should specify whether the document is requested in hard copy or microfiche form since prices vary for hard copy but are a consistent \$6.95 for the microfiche. There is an additional \$3.00 handling charge for each order. Payment may be made by charging against an NTIS deposit account; charging to VISA, MasterCard, or American Express; or by check or money order. In all orders, the document title, NTIS order number of the document, desired form of the document (microfiche or hard copy), and the price must be stated.

Data Reporting Guidelines for the remaining major studies in the Pesticide

Assessment Guidelines will also be published. Publication will be announced in the Federal Register.

Dated: March 21, 1988.

Anne L. Barton,

Acting Director, Hazard Evaluation Division, Office of Pesticide Programs.

[FR Doc. 88-7640 Filed 4-12-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-36156; FRL-3364-3]

Pesticide Registration Standard; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of draft standard for comment.

SUMMARY: This notice announces the availability of a draft pesticide Registration Standard document for comment. The Agency has completed a review of the listed pesticide and is making available a document describing its regulatory conclusions and actions.

DATE: Written comments on the Registration Standard should be submitted on or before June 13, 1988.

ADDRESSES: Three copies of comments identified with the docket number listed with the Registration Standard should be submitted to: By mail: Information Services Section, Program Management

and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket and docket index will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

To request a copy of a Registration Standard, contact Frances Mann of the Information Services Section, in Rm. 236 at the address given above (703-557-3262). Requests should be submitted no later than May 13, 1988, to allow sufficient time for receipt before the close of the comment period.

For technical questions related to the Registration Standard, contact the Product Manager listed for that Standard, at the phone number given.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency conducts a systematic review of pesticides to determine whether they meet the criteria for continued registration under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). That review culminates in the issuance of a Registration Standard, a document describing the Agency's regulatory conclusions and positions on the continued registrability of the pesticide. In accordance with 40 CFR 155.34(c), before issuing certain Registration Standards, the Agency makes the draft document available for public comment.

A draft Registration Standard for the following pesticide is now available:

Name of pesticide	Docket No.	Contact person
Metalaxyl	57837-19-1	Lois Rossi, Product Manager 21, 703-557-1900.

Copies of the Registration Standard may be obtained from the Agency at the address listed under **FOR FURTHER INFORMATION CONTACT**. Because of the length of the Standard and the limited number of copies available for distribution, only one copy can be provided by mail to any one individual or organization. The Registration Standard is also available for inspection and copying in EPA Regional offices at the addresses listed below after May 13, 1988.

List of EPA Regional Offices

Pesticides and Toxic Substances Branch, EPA—Region I, JFK Federal Building, Boston, MA 02203, Contact person: Marvin Rosenstein

Pesticides and Toxic Substances Branch, EPA—Region II, Woodbridge Avenue, Edison, NJ 08837, Contact person: Ernest Regna

Toxics and Pesticides Branch, EPA—Region III, 6th and Walnut Sts., Philadelphia, PA 19106, Contact person: Larry Miller

Pesticide and Toxic Substances Branch, EPA—Region IV, 345 Courtland St., NE, Atlanta, GA 30365, Contact person: Acting Chief

Pesticides and Toxic Substances Branch, EPA—Region V, 230 South Dearborn St., Chicago, IL 60604, Contact person: Phyllis Reed

Pesticide and Toxic Substances Branch, EPA—Region VI, 1201 Elm St., Dallas,

TX 75270, Contact person: Norman Dyer

Pesticide and Toxic Substances Branch, EPA—Region VII, 324 East 11th St., Kansas City, MO 64106, Contact person: Leo Alderman

Toxic Substances Branch, EPA—Region VIII, 1860 Lincoln St., Suite 900, Denver, CO 80295, Contact person: C. Alvin York

Pesticides and Toxics Branch, EPA—Region IX, 215 Fremont St., San Francisco, CA 94105, Contact person: Rich Vaille

Pesticides and Toxic Substances Branch, EPA—Region X, 1200 6th Ave., Seattle, WA 98101, Contact person: Anita Frankel

Dated: April 1, 1988.

Douglas D. Camp,
 Director, Office of Pesticide Programs.
 [FR Doc. 88-7939 Filed 4-12-88; 8:45 am]
 BILLING CODE 6560-50-M

[PF 494; FRL-3362-2]

ICI America's Inc.; Amended Pesticide Tolerance Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice of an amended pesticide petition submitted by the ICI Americas, Inc., for the insecticide tefluthrin.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set for in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George LaRocca, Product manager (PM) 15, Registration Division

(TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of August 5, 1987 (52 FR 29061), that announced that ICI Americas, Inc., Agricultural Products Group, Registration and Regulatory Affairs, Wilmington, DE 19897, had submitted pesticide petition 7F3521 to the Agency proposing to amend 40 CFR 180.407 by establishing tolerances for the residues of the insecticide tefluthrin (2,3,5,6-tetrafluoro-4-methylbenzyl cis-3-[(Z)-2-chloro-3,3,3-trifluoroprop-1-enyl]-2,2-dimethylcyclopropanecarboxylate) in or on the raw agricultural commodity field corn at 0.01 ppm; and corn grain, pop, at 0.01 ppm.

ICI has amended the petition by revising tolerances to include the combined residues of tefluthrin and its metabolites (Z)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylic acid and 2,3,5,6-tetrafluoro-4-hydroxymethylbenzoic acid in or on corn grain, field and pop, at 0.1 ppm and corn, forage and fodder, field and pop at 0.1 ppm. The proposed analytical method for determining residues is liquid chromatography.

Authority: 21 U.S.C. 346a.

Dated: March 20, 1988.

Edwin F. Tinsworth,
 Director, Registration Division, Office of
 Pesticide Programs.

[FR Doc. 88-7639 Filed 4-12-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL ELECTION COMMISSION

[Notice 1988-6]

Filing Dates for New Jersey Special Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for New Jersey Special Elections.

SUMMARY: Committees required to file reports in connection with only the Special Primary Election to be held in the 3rd Congressional District of New Jersey on June 7, 1988, should file a 12-day Pre-Primary Report by May 26, 1988. Committees required to file reports in connection with both the Special Primary and Special General Election to be held on November 8, 1988, must file a 12-day Pre-Primary Report, a 12-day Pre-General Report by October 27, 1988, and

a 30-day Post-General Report by December 8, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office, 999 E Street, NW., Washington, DC 20463, Telephone: (202) 376-3120; Toll-Free (800) 424-9530.

Notice of Filing Dates for Special Elections 3rd Congressional District, New Jersey

All Principal Campaign Committee of candidates in the Special Primary Election and all other political committees not filing monthly, which support candidates in the Special Primary shall file a 12-day Pre-Primary Report by May 26, 1988, with coverage dates from the last report filed through May 18, 1988. Committees must also file a July Quarterly Report, with coverage dates from May 19, 1988, through June 30, 1988, due on July 15, 1988; and an October Quarterly Report, with coverage dates from July 1, 1988, through September 30, 1988, due October 15, 1988.

All principal campaign committees of candidates in the Special General Election and all other political committees which support candidates in this election shall file a 12-day Pre-General Election Report due on October 27, 1988, with coverage dates from October 1, 1988, through October 19, 1988, and a 30-day Post-General Report due on December 8, 1988, with coverage dates from October 20, 1988, through November 28, 1988. Committees must also file a Year-End Report due January 31, 1989.

Dated: April 7, 1988.

Thomas J. Josefiak,
Chairman, Federal Election Commission.
[FR Doc. 88-8024 Filed 4-12-88; 8:45 am]
BILLING CODE 6715-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-REP-7-IA-3]

Iowa State and Local Offsite Radiological Emergency Response Plans Site-Specific to the Duane Arnold Energy Center

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of finding on offsite radiological emergency response planning for the Duane Arnold Energy Center.

SUMMARY: This Finding is the result of an ongoing review of Iowa State and local plans site-specific to the Duane Arnold Energy Center by the Federal

Emergency Management Agency (FEMA) Region VII staff and the Regional Assistance Committee (RAC).

Background

A FEMA review of offsite planning for Duane Arnold in February 1987, revealed that areas of the Cities of Cedar Rapids and Marion, Iowa, beyond the identified 10-mile plume emergency planning zone (EPZ), were not included in the offsite emergency planning effort. This was contrary to written information indicating that these areas were actually included which had been provided to the public by the Iowa Electric Light and Power (IELP) Company and contrary to the documentation that had been forwarded by the State of Iowa and the local jurisdictions to FEMA to support the review of plans and preparedness under FEMA Rule 44 CFR 350.7. The emergency information brochures distributed to the public provided instructions for the evacuation of residents for those areas of Cedar Rapids and Marion beyond the 10-mile EPZ; however, these areas had not been provided alerting coverage nor was there planning in existence to implement protective actions in these areas.

Subsequent to the identification of these problems, the State of Iowa and local governments, IELP, FEMA, and the Nuclear Regulatory Commission (NRC) Region III all agreed that an expansion of planning efforts to include all of Cedar Rapids and Marion, Iowa was warranted. As a result, the Iowa Disaster Services Division was notified on April 9, 1987, that eight overall planning inadequacies associated with the inclusion of Cedar Rapids and Marion would have to be corrected in the appropriate offsite plans and all affected parties were in agreement that corrected plans would be submitted to FEMA for review by December 31, 1987.

Revised plans were submitted by the State of Iowa by the end of December 1987 as agreed; however, a review of these plans by FEMA Region VII and the RAC have disclosed that of the original planning problems identified, significant inadequacies encompassing the school evacuation procedures, the Reception/Host Counties Plans, the Evacuation Time Study, radiological monitoring, the Emergency Broadcast System (EBS), the mobility impaired, and others, still exist.

The Iowa Disaster Services Division was notified of these remaining inadequacies in correspondence in January, February, and March 1988, and in consideration of the seriousness of these issues, they were requested to address and correct each one.

In consideration of the seriousness of the planning inadequacies identified, the amount of time that has been available for the correction of these inadequacies, and the failure of the State of Iowa and Linn County to complete satisfactory revisions to the plans to correct the inadequacies, there is no longer reasonable assurance that the offsite radiological emergency planning site-specific to the Duane Arnold Energy Center is adequate to protect the health and safety of the public in the event of an accident at the site.

For further details with respect to this action refer to Docket File FEMA-REP-7-IA-3 maintained by the Regional Director, FEMA Region VII, 911 Walnut Street, 2nd Floor, Kansas City, Missouri 64106 (816-283-7060).

For the Federal Emergency Management Agency.

Joseph A. Moreland,
Acting Associate Director, State and Local Programs and Support.

[FR Doc. 88-8013 Filed 4-12-88; 8:45 am]

BILLING CODE 6718-20-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011075-005.

Title: Central America Discussion Agreement.

Parties:

United States/Central America Liner Association

Marine bulk Carrier, Inc.

Nordana Line, Inc.

Nexos Line

Concorde Shipping Inc.

Thompson Shipping Co., Inc.

Maritima Juno, S.A.

Synopsis: The proposed amendment would add Transportees Navieros Equatorianos as a party to the agreement. The parties have requested a shortened review period.

Agreement No.: 232-011188.

Title: The Mitsui O.S.K. Lines, Ltd. and Nippon Yusen Kaisha Space Charter and Sailing Agreement in the Far East-U.S. Pacific Northwest Trades.

Parties:

Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha

Synopsis: The proposed agreement would permit the parties to charter space aboard one another's vessels and to rationalize their sailings in the trade between ports in the Far East and ports on the U.S. Pacific Northwest Coast, including Alaska and inland points via such ports. The parties would each contribute up to 3 vessels to the agreement service, each vessel with a capacity of up to 3,000 TEU's.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

Dated: April 8, 1988.

[FR Doc. 88-8058 Filed 4-12-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Credit and Commerce American Holdings, N.V. et al., Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(C)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the office of the Board Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased

competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the office of the Board of Governors not later than April 28, 1988.

A. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr., Vice President)
701 East Byrd Street, Richmond, Virginia 23261:

1. *Credit and Commerce American Holdings, N.V.*, Curacao, Netherlands Antilles; Credit and Commerce American Investment, B.V., Amsterdam, Netherlands; First American Corporation, Washington, DC; and First American Bankshares, Inc., Washington, DC; to engage *de novo* through their subsidiary, 1stA Mortgage Corporation, Washington, DC, in making, acquiring, and servicing, for its own account or for the account of others, loans secured principally by first and/or second mortgages on real property pursuant to § 225.25(b)(1)(iii), and acting as an agent in the sale of credit life insurance and accident, health, and unemployment insurance in connection with such loans to § 225.25(bv)(8)(i) of the Board's Regulations Y.

B. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Southeast Banking Corporation*, Miami, Florida; to engage *de novo* through its subsidiary, Southeast Mortgage Company, Miami, Florida, in providing to insurance companies certain servicing and administrative services in connection with the insurance company's mailing solicitations for credit insurance including: (1) Providing to insurance companies access to its customer mailing lists; (2) Providing an endorsement letter as permitted by state law; (3) distributing to insured borrowers the insurance company's policies or certificates, claims forms and other forms nor notices; (4) billing, receiving and accounting for all premiums received from insured borrowers; (5) maintaining a separate

account to hold premiums received from insured borrowers until remitted to the insurance company; and (6) performing clerical functions, including the mailing of insurance policies or certificates, endorsements, cancellations, premium due statements, termination notices, and performing such other related administrative functions pursuant to §§ 225.25(b)(1) and 225.25(b)(8) of the Board's Regulation Y. These activities will be conducted throughout the State of Florida.

C. Federal Reserve Bank of Chicago
(David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Marine Corporation*, Milwaukee, Wisconsin; to engage *de novo* through its subsidiary, The Marine Trust Company, N.A., Milwaukee, Wisconsin, in trust company activities and to expand the geographic scope of these activities to the entire State of Wisconsin pursuant to § 225.25(b)(3) of the Board's Regulation Y. Comments on this application must be received by May 4, 1988.

Board of Governors of the Federal Reserve System, April 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-8002 Filed 4-12-88; 8:45 am]

BILLING CODE 6210-01-M

DG Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and

summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 28, 1988.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *DG Bankshares, Inc.*, Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Deposit Guaranty Bank, Dallas, Texas, a *de novo* bank.

In connection with this application, DG II Inc., Wilmington, Delaware, has applied to become a bank holding company.

Board of Governors of the Federal Reserve System, April 11, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-8242 Filed 4-12-88; 8:45 am]

BILLING CODE 6210-01-M

Home Point Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Correction

This notice corrects a previous Federal Register notice (FR Doc. 88-5556) published at page 8504 of the issue for Tuesday, March 15, 1988.

Under the Federal Reserve Bank of Boston, the entry for Home Point Bancorp, Inc. is revised to read as follows:

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Home Port Bancorp, Inc.*, Nantucket, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Nantucket Savings Bank, Nantucket, Massachusetts.

Comments on this application must be received by April 27, 1988.

Board of Governors of the Federal Reserve System, April 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-7999 Filed 4-12-88; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies; David B. Lilly, Jr. et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are

set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 29, 1988.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *David B. Lilly, Jr.*, Middleburg, Virginia; to acquire up to 16.5 percent of the voting shares of Harvest Bancorp, Inc., Hamilton, Virginia, and thereby indirectly acquire The Farmers & Merchants National Bank of Hamilton, Hamilton, Virginia.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Richard & Mary Omdahl*: Mary Omdahl, custodian for Sarah Omdahl; Timothy Rennes; Shirley Rosera, and Kopish, Miron, Boyle, Topel and Miron Profit Sharing Trust; to acquire 41.05 percent of the voting shares of Peshtigo National Bancorporation, Inc., Peshtigo, Wisconsin, and thereby indirectly acquire The Peshtigo National Bank, Peshtigo, Wisconsin.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First National Bank of Phillips County Employee Stock Ownership Plan*, Helena, Arkansas, and its trustees, Bart R. Lindsey, Henry M. Richmond, and James A. Early; to acquire 15.42 percent of the voting shares of First Delta Corporation, Helena, Arkansas, and thereby indirectly acquire First National Bank of Phillips County, Helena, Arkansas.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Charles C. McKelvey*, Lawton, Oklahoma; to acquire 1.43 percent of the voting shares of B.O.E. Bancshares, Inc., Elgin, Oklahoma, and thereby indirectly acquire Bank of Elgin, Elgin, Oklahoma.

E. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *LBT Corporation Employee Stock Ownership Plan*, Shreveport, Louisiana; to acquire 14.95 percent of the voting shares of LBT Corporation, Shreveport,

Louisiana, and thereby indirectly acquire Louisiana Bank & Trust.

Board of Governors of the Federal Reserve System, April 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-8003 Filed 4-12-88; 8:45 am]

BILLING CODE 6210-01-M

Northern Trust Corp.; Acquisition of Company Engaged in Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a) or (f) of the Board's Regulation Y (12 CFR 225.23 (a) or (f)) for the Board's approval under section 4(c)(8)) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gain in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 28, 1988.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Northern Trust Corporation*, Chicago, Illinois; to engage *de novo* through its subsidiary, Northern Investment Management, Chicago, Illinois, in providing investment

advisory services with respect to futures contracts on stock indexes and options on such futures contracts as permitted by Order. *Citicorp*, 73 Federal Reserve Bulletin 220 (1987).

Board of Governors of the Federal Reserve System, April 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-8004 Filed 4-12-88; 8:45 am]

BILLING CODE 6210-01-M

Progressive Bank, Inc. et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than April 29, 1988.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33

Liberty Street, New York, New York 10045:

1. *Progressive Bank, Inc.*, Pawling, New York; to acquire Lakewood Associates, Millbrook, New York, and thereby engage in performing appraisals of real estate pursuant to § 225.25(b)(13) of the Board's Regulation Y.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation*, Columbus, Ohio; to acquire First Municipal Leasing Corporation, Denver, Colorado, and thereby engage in leasing, lending, and servicing leases and loans pursuant to §§ 225.25(b)(1) and (b)(5) of the Board's Regulation Y.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Manufacturers National Corporation*, Detroit, Michigan; to acquire Wilson, Kemp & Associates, Inc., Detroit, Michigan, and thereby engage in providing investment and/or financial advice to individuals, pensions, trusts, estates, charitable organizations, profit sharing plans, corporations and other business entities pursuant to § 225.25(b)(4) of the Board's Regulation Y.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Community Corporation*, Oklahoma City, Oklahoma; to acquire 50 percent of the voting shares of Unitech, Inc., Oklahoma City, Oklahoma, and thereby engage in data processing activities through a joint-venture arrangement with Unitech, Inc., pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-8000 Filed 4-12-88; 8:45 am]

BILLING CODE 6210-01-M

Security National Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 4, 1988.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Security National Corporation*, Maitland, Florida; to acquire 100 percent of the voting shares of Security National Bank of Osceola, Kissimmee, Florida, a *de novo* bank.

2. *Southern Bancorp, Inc.*, Miami, Florida; to become a bank holding company by acquiring 57 percent of the voting shares of Alliance National Bank, Miami, Florida. Comments on this application must be received by April 29, 1988.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lamoine Bancorp, Inc.*, LaHarpe, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of LaHarpe, LaHarpe, Illinois.

2. *St. Francis Bancshares, Inc.*, St. Francis, Wisconsin; to become a bank holding company by acquiring 78.20 percent of the voting shares of St. Francis State Bank, St. Francis, Wisconsin.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Douglas County Bancshares, Inc.*, Ava, Missouri; to become a bank holding company by acquiring at least 92.5 percent of the voting shares of Douglas County National Bank, Ava, Missouri.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Minnesota-Wisconsin Bancshares, Inc.*, Newport, Minnesota; to merge with Carver County Bancshares, Inc., Chaska,

Minnesota, and thereby indirectly acquire Carver County State Bank, Chaska, Minnesota. Comments on this application must be received by April 29, 1988.

2. *Taylor Bancshares, Inc.*, North Mankato, Minnesota; to acquire 99.10 percent of the voting shares of Fidelity State Bank of Fairfax, Fairfax, Minnesota.

3. *Taylor Bancshares, Inc.*, North Mankato, Minnesota; to acquire 99.47 percent of the voting shares of Fidelity State Bank of Hector, Hector, Minnesota.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *DB Holding Company*, Omaha, Nebraska; to become a bank holding company by acquiring 91.9 percent of the voting shares of Omaha State Corporation, Omaha, Nebraska, and thereby indirectly acquire Omaha State Bank, Omaha, Nebraska. Comments on this application must be received by May 2, 1988.

2. *Southwest Missouri Bancshares, Inc.*, to acquire The Bank of Jasper, Jasper, Missouri.

F. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Central Bancorp, Inc.*, Garland, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Central Bank, Garland, Texas.

Board of Governors of the Federal Reserve System, April 7, 1988.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 88-8001 Filed 4-12-88; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust

Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by a law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 032288 AND 040188

Name of Acquiring person, Name of Acquired person, Name of Acquired entity	PMN No.	Date terminated
Paloma Industries, Ltd., Manufacturing Acquisition Associates, LP, Pace Industries, Inc.	88-1047	03/22/88
American Exploration Company, Kirby Exploration Company, Inc., Kirby Exploration Company, Inc.	88-1159	03/22/88
Banc Homes Savings Association, DeRose Industries, Inc., DeRose Industries, Inc.	88-0174	03/23/88
Kenneth R. Thomson, Ms. Jean L. Scudder, Tri-County Newspapers, Inc., c/o MediaNews Group, Inc.	88-0985	03/23/88
Pablo Brenner, RFS Equity Partners, Boys Markets, Inc.	88-1128	03/23/88
Carlton Communications Plc, Modern Video Productions, Inc., Modern Video Productions, Inc.	88-1131	03/24/88
Roderick M. Bryden, BCE Inc., Rolph-Clark-Stone Packaging Corporation	88-1132	03/24/88
Affiliated Publications, Inc., Tichi Wilkerson Kassel, H.R. Industries, Inc.	88-1144	03/24/88
Chemical New York Corporation, Temple-Inland Inc., AFCO Industries, Inc.	88-1189	03/24/88
CSX Corporation, ECON Associates Limited Partnership, ECON Associates Limited Partnership	88-0927	03/25/88
Wolseley plc, Thomas Stern, Familian Northwest, Inc.	88-1058	03/25/88
T&N plc, Raychem Corporation, The Bentley-Harris Manufacturing Co.	88-1085	03/25/88
MAXXAM Group Inc., KaiserTech Limited, KaiserTech Limited	88-1089	03/25/88
McCain Inc., Peter J. Taggares, Sr., Chief-Reddy Foods Corporation, et al.	88-1091	03/25/88
Merrill Lynch & Co., Inc., The Equitable Life Assurance Society of the U.S., Tandem Financial Group, Inc.	88-1116	03/25/88
RLC Corp., Baggett Transportation Company, Baggett Transportation Company	88-1145	03/25/88
The Retail Property Trust, Menlo Park Associates, Menlo Park Associates	88-1150	03/25/88
Alexander & Baldwin, Inc., Pacific Resources, Inc., Pacific Resources, Inc.	88-1152	03/25/88
Clayton & Dubilier Private Equity Fund III Ltd. P'ship, The B.F. Goodrich Company, Goodrich Tire, Inc. & Automotive Proving Grounds, Inc.	88-1161	03/25/88
American Home Products Corporation, R. Hugh Uhlmann and Paul Uhlmann, Jr., The Uhlmann Company	88-1166	03/25/88
Norfolk Capital Group PLC, Peter John de Savary, St. James's Club California Inc.	88-1176	03/25/88
Consolidated Natural Gas Company, Transco Energy Company, TXP Operating Company	88-1180	03/25/88
Infinity Broadcasting Corporation, Metropolitan Broadcasting Holding Company, Metropolitan Broadcasting Corporation of Detroit	88-1184	03/25/88
Pyro Energy Corp., Jim R. Smith, J. Smith Coal, Inc.	88-1185	03/25/88
Nestle S.A., Wailea Beach Hotel Partners, Wailea Beach Hotel Partners	88-1186	03/25/88
The Newhall Land and Farming Company, Newhall Resources, a California Limited Partnership, Newhall Resources, a California Limited Partnership	88-1187	03/25/88
QMS, Inc., Imagen Corporation, Imagen Corporation	88-1104	03/28/88
Sonoco Products Company, Federal Paper Board Company, Inc., a paperboard mill	88-1137	03/28/88
Corning Glass Works, International Clinical Laboratories, Inc., International Clinical Laboratories, Inc.	88-1142	03/28/88
Marlis S. A., Grolier Incorporated, Grolier Incorporated	88-1157	03/28/88
Monsanto Company, The Andersons, The Andersons	88-1158	03/28/88
Ply-Gem Industries, Inc., Wolverine Technologies Inc., Wolverine Technologies Inc.	88-1169	03/29/88
Whirlpool Corporation, Roper Corporation, Roper Corporation	88-1088	03/30/88
Whirlpool Corporation, Roper Corporation, Roper Corporation	88-1069	03/30/88
Compagnie Generale de Eaux, Sierra Spring Water Company, Sierra Spring Water Company	88-1071	03/30/88
The BOC Group plc, Robert E. White, Southeastern Management Corporation	88-1079	03/30/88
Societe Nationale Elf Aquitaine, Metco North America, Inc., Metco North American, Inc.	88-1080	03/30/88
Mitsubishi Rayon Company, Limited, Metco North America, Inc., Metco North American, Inc.	88-1081	03/30/88
General Electric Company, Roper Corporation, Roper Corporation	88-1121	03/30/88
Menasha Corporation, FL Industries Holdings, Inc., The Thermotech Division of FL Industries, Inc.	88-1125	03/30/88

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 032288 AND 040188—Continued

Name of Acquiring person, Name of Acquired person, Name of Acquired entity	PMN No.	Date terminated
Meredith Corporation, Walter and Karen Strauss, Craftways Corporation	88-1138	03/30/88
Lincoln National Corporation, Covenant Mutual Insurance Company, Covenant Corporation	88-1201	03/30/88
The British Petroleum Company plc, Lear Petroleum Corporation, Lear Petroleum Corporation	88-1028	03/31/88
The Perkin/ Elmer Corporation, Nelson Analytical, Inc., Nelson Analytical, Inc.	88-1088	03/31/88
IFINT S.A., Korody-Colyer Corporation, Korody-Colyer Corporation	88-1163	03/31/88
Lincoln Management Company, Inc., Estate of Howard R. Hughes, Jr., Hughes Properties, Inc.	88-1182	03/31/88
Eastern Utilities Associates, David F. LaRoche, NECO Enterprises, Inc.	88-0808	04/01/88
Mason Best Company, Mason Best Company, Somerset House Corporation	88-1073	04/01/88
Georgia-Pacific Corporation, AFP Holdings, L.P., A California Limited Partnership, AFP Holdings, L.P. & Amador Central Railroad	88-1135	04/01/88
The Seagram Company, Ltd., BCI Associates, L.P., Tropicana Products, Inc.	88-1147	04/01/88
Kooperativa forbundet, Saratoga Partners, L.P., Capital City Products Company	88-1156	04/01/88
Guy W. Millner, Ronald Berman, Cosmopolitan Care Corporation	88-1198	04/01/88
Christopher C. Skase, HRI Group, Inc., HRI Group, Inc.	88-1206	04/01/88
Gulf + Western Inc., Advanta Corp., Advanta Corp.	88-1217	04/01/88
TPI Enterprises, Inc., Shoney's South, Inc., Shoney's South Inc.	88-1239	04/01/88
Trump Capital Corporation, Crown Auto, Inc., Crown Auto, Inc.	88-1240	04/01/88
Prudential-Bache Energy Income Ltd. Partnership VP-20, Martin D. Gruss, Pegasus Holding Corp.	88-1253	04/01/88
Prudential-Bache Energy Income Ltd. Partnership VP-21, Martin D. Gruss, Pegasus Holding Corp.	88-1254	04/01/88
Amerada Hess Corporation, Martin D. Gruss, Pegasus Holding Corp. and Jogruss Oil Corp.	88-1258	04/01/88

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay, Contract Representative, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 88-8019 Filed 4-12-88 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreements; Preventive Health Services-Tuberculosis Control; Availability of Funds for Fiscal Year 1988

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1988 for Cooperative Agreements for Tuberculosis Control Programs. The funds received by these programs are directed primarily to: (1) Support of outreach activities necessary for effective prevention and control of tuberculosis in high incidence population groups and selected geographical areas and (2) support of surveillance activities and epidemiologic studies with respect to the impact of human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS) on tuberculosis.

Authority

This program is authorized by the Public Health Service Act: section 301(a)

(42 U.S.C. 241(a)), as amended; and section 317(a) (42 U.S.C. 247b(a)). Regulations governing programs for preventive health services are codified at 42 CFR Part 51b. Subpart A contains general provisions relating to these programs. The Catalog of Federal Domestic Assistance Number is 13.116.

Eligible Applicants

Eligible applicants for this program are the official public health agencies of State and local governments, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and American Samoa. Although new applications from States and local areas will be considered, priority for funding will be given to currently funded cooperative agreements. New awards to local areas, if any, will be limited to those local public health agencies which are not currently receiving assistance directly or as a sub-recipient under a cooperative agreement and which are serving a high-priority urban area with a city of at least 250,000 population which reported 200 or more new cases of tuberculosis in each of the years 1985 and 1986 or had an incidence rate greater than the rate for United States cities over 250,000 population in 1985 (19.5 per 100,000 population) for both 1985 and 1986. In order to ensure effective coordination of State/local/Federal resources, applications for funding from local areas will only be considered if there is no existing State assisted program and the State does not apply for funds under this announcement.

Availability of Funds

Approximately \$8,000,000 is available in Fiscal Year 1988 to fund up to 67 competing cooperative agreements. Although new applications will be considered, priority for funding will be given to continuation of existing programs. Funding estimates outlined below may vary and are subject to change.

1. Approximately \$6,600,000 is available to fund up to 67 awards for outreach activities necessary for effective prevention and control of tuberculosis in high incidence population groups. Awards are expected to range from \$20,000 to \$470,000 with an average award of \$100,000.

2. Approximately \$400,000 is available to fund up to 67 awards to match tuberculosis and AIDS registries for cases of both diseases. Awards are expected to range from \$1,000 to \$50,000 with an average award of \$6,000.

3. Approximately \$700,000 is available to fund 1 to 3 HIV/AIDS/TB epidemiologic studies with awards ranging from \$150,000 to 350,000 with an average award of \$230,000.

4. Approximately \$300,000 is available to fund up to 39 seroprevalence studies in those areas not currently participating in the CDC funded HIV Seroprevalence Family of Surveys. Awards are expected to range from \$2,500 to \$25,000 with an average award of \$7,500.

Other Submission and Review Requirements

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Application Submission and Deadline

The original and two copies of the application must be submitted to Nancy C. Bridger, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Atlanta, Georgia 30305 on or before April 15, 1988.

Information

Information on application procedures, copies of application forms, and other material may be obtained from Marsha Driggins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Atlanta, Georgia 30305, telephone (404) 842-6575 or FTS 236-6575.

Technical assistance may be obtained from John J. Seggerson or Chris Hayden, Division of Tuberculosis Control, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 639-2519 or FTS 236-2519.

Dated: April 8, 1988.
Robert L. Foster,
*Acting Director, Office of Program Support,
Centers for Disease Control.*
[FR Doc. 88-8156 Filed 4-12-88; 8:45 am]
BILLING CODE 4160-18-M

National Institutes of Health**National Heart, Lung, and Blood Institute; Meeting**

Notice is hereby given of the meeting of the National Cholesterol Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on May 17, 1988, from 9 a.m. to 3 p.m., at the Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814, (301) 652-2000.

The meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Cholesterol Education Program. Attendance by the public will be limited to space available.

For the agenda, list of participants, and meetings summary, contact: Dr. James I. Cleeman, Coordinator, National Cholesterol Education Program, Office of Prevention, Education, and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, C-200, Bethesda, Maryland 20892, (301) 496-0554.

Dated: April 4, 1988.
James B. Wyngaarden,
Director, NIH.
[FR Doc. 88-8105 Filed 4-12-88; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of Administration**

[Docket No. N-88-1798]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and

telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: March 31, 1988.

John T. Murphy,
Director, Information Policy and Management Division.

Proposal: Property Disposition Handbook—Multifamily Properties
Office: Housing

Description of the Need for the Information and its Proposed Use: As owner or mortgagee-in-possession of an apartment project, HUD hires an independent contractor to act as project manager to collect certain information. This information is submitted to HUD so that the status can be checked on how the project is being managed. The information is used to determine whether or not a former tenant may be held responsible for damage to the vacated apartment.

Form Number: HUD Handbook 4315.1

Respondents: Individuals or Households, Businesses or Other For-Profit, and Small Businesses or Organizations

Frequency of Respondents: On Occasion and Other

Estimated Burden Hours: 9,855**Status:** Reinstatement

Contact: Richard E. Harrington, HUD, (202) 755-7220; John Allison, OMB, (202) 395-6880.

Date: March 31, 1988.

Proposal: Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped

Office: Public and Indian Housing
Description of the Need for the

Information and Its Proposed Use: Public housing agencies (PHAs) are required to give written notices to elderly or handicapped applicants that pets are permitted, working animals excluded from regulation requirements. A copy of pet rules and a written notice must be given to each applicant when offered a unit. Leases that prohibit pets may be amended upon tenants' request

Form Number: None

Respondents: State or Local Governments

Frequency of Respondents: On Occasion

Estimated Burden Hours: 250**Status:** Reinstatement

Contact: Joyce Anne Bassett, HUD, (202) 426-0744; John Allison, OMB, (202) 395-6880

Date: March 28, 1988.

Proposal: Monitoring and Technical Assistance Handbook for the Congregate Housing Services Program (CHSP), Handbook 4640.1

Office: Housing

Description of the Need for the Information and its Proposed Use: This information is needed for regular reporting for bennial renewals, no-cost extensions, updates, and narratives needed to meet grant terms. This report must be filled out by tenants in order for grantees to determine their eligibility for benefits. The information is used by HUD to monitor reports and guidelines

Form Number: None

Respondents: Non-Profit Institutions and Small Businesses or Organizations

Frequency of Respondents: On Occasion, Monthly, Quarterly, and Annually

Estimated Burden Hours: 1,403

Status: Reinstatement

Contact: Jerold S. Nachison, HUD, (202) 755-5866; John Allison, OMB, (202) 395-6880.

Date: March 12, 1988.

Proposal: Local Appeals to Single Family Mortgage Limits

Office: Housing

Description of the Need for the Information and its Proposed Use: The FHA single family maximum mortgage limits is \$67,500. Section 404 of the Housing and Community Development Act of 1987 permits HUD to raise the maximum mortgage amount up to \$101,250 in areas with high prevailing housing sales prices to reflect regional difference in the cost of housing. HUD will raise the limits above \$67,500 if housing sales price data is received from interested parties (primarily homebuilders, mortgage lenders, and realtors) which justifies an increase

Form Number: None

Respondents: Businesses or Other For-Profit

Frequency of Respondents: On Occasion

Estimated Burden Hours: 3,200

Status: Revision

Contact: Joseph C. Bates, HUD, (202) 426-7212; John Allison, OMB, (202) 395-6880.

Date: March 9, 1988.

[FR Doc. 88-8101 Filed 4-12-88; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-020-08-4050-90]

California; Susanville District Advisory Council Meeting and Tour

AGENCY: Bureau of Land Management, Interior, Susanville District Advisory Council, Susanville, California 96130.

ACTION: Notice of meeting and tour.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-579 (FLPMA), that a District Advisory Council meeting and tour will be held on Wednesday, May 11, 1988. The meeting will begin at 8:00 a.m. at the CDF Fire Station, Bieber California. The agenda will include discussions on Winter Range, Nevada Water Rights, Riparian Initiative, and Wild Horse Issues. The meeting is open to the public, and interested persons may make oral statements to the Council, or file a written statement for the Council's consideration.

Anyone wishing to make an oral statement must notify the Bureau of Land Management, Susanville District Manager, 705 Hall Street, Susanville, California 96130, by May 4, 1988. Depending upon the number of persons wishing to make oral statements, a person time limit may be established.

After the meeting, the DAC will tour the Malacha Power Project. The tour will be from 11:00 a.m. to 3:30 p.m.

Summary of minutes of the Council meeting will be maintained in the Susanville District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

For further information contact: John Tyson, Public Affairs Office at (916-257-5381).

John W. Bosworth,

Acting, District Manager.

[FR Doc. 88-8135 Filed 4-12-88; 8:45 am]

BILLING CODE 4310-40-M

Office of Surface Mining Reclamation and Enforcement

Availability of Decision and Statement of Reasons for Decision on North Chickamauga Creek Unsuitability Petition

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Availability of decision and statement of reasons for decision on North Chickamauga Creek unsuitability petition.

SUMMARY: The Director of the Office of Surface Mining Reclamation and Enforcement (OSMRE) has reached a decision on a petition to designate lands as unsuitable for surface coal mining operations in the North Chickamauga Creek area of Tennessee.

ADDRESS: Copies of the Statement of Decision and the Statement of Reasons for the Decisions may be obtained from Willis L. Gainer, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902; telephone 615/673-4348.

FOR FURTHER INFORMATION CONTACT: Willis L. Gainer, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902; telephone 615/673-4348.

SUPPLEMENTARY INFORMATION: The Guardians of North Chickamauga Creek, Inc., and the Sierra Club filed a petition with OSMRE on April 30, 1986, to designate approximately 52,227 acres of land in the North Chickamauga Creek watershed area (in Hamilton and Sequatchie Counties, Tennessee) as unsuitable for surface coal mining operations. The petition was filed in accordance with section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and its implementing regulations at 30 CFR 942.764. The petition alleges that the area under consideration should be designated as unsuitable for all types of surface coal mining operations because (1) such operations will be incompatible with existing state and local land-use plans and programs; (2) such operations will affect fragile and historic lands and could result in significant damage to important historic and cultural values; (3) such operations could result in significant damage to important esthetic values and natural systems, including rare and endangered species; (4) such operations could result in a substantial loss or reduction of long-range productivity of water supply; and (5) because most of the existing public roads in the watershed are inadequate for use as haulroads.

Pursuant to 30 CFR 942.764, OSMRE analyzed the allegations of the petition and, on April 30, 1987, held a public hearing. OSMRE published statement (PED/EIS) in September 1987 (52 FR 34416).

A copy of the Statement of Decision signed by the Director appears as an appendix to this notice. Additional copies of the Statement of Decision and copies of the Statement of Reasons (not attached to this notice) are available at

no cost from the offices listed above under **ADDRESSES**. OSMRE has sent copies of these documents to all interested parties of record.

Additional information on the petition can be found in **Federal Register** notices of September 2, 1986 (Notice of Intent to Prepare a Draft Combined Petition Evaluation Document and Environmental Evaluation Document and Environmental Impact Statement, including Holding a Scoping Meeting, 50 FR 31177); March 27, 1987 (Notice of Availability of Draft PED/EIS and Public Hearing, 52 FR 10174); and September 4, 1987 (Availability of Final Petition Evaluation Document/Environmental Impact Statement, 52 FR 33659).

Date: March 17, 1988.

Jed D. Christensen,

Director, Office of Surface Mining Reclamation and Enforcement.

Petition To Designate Certain Lands in the North Chickamauga Creek Watershed, Tennessee, as Unsuitable for Surface Coal Mining Operations

Decision

Under section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the Office of Surface Mining Reclamation and Enforcement (OSMRE) has been petitioned by the Guardians of North Chickamauga Creek, Inc., Hixson, Tennessee, and the Sierra Club, Chattanooga, Tennessee, to designate certain private lands in the North Chickamauga Creek watershed, Hamilton and Sequatchie Counties, Tennessee, as unsuitable for all surface coal mining operations.

As required by sections 522 (c) and (d) of SMCRA, public comments on the North Chickamauga Creek unsuitability petition were sought; a public hearing was held near the petition area in Hixson, Tennessee; and a detailed petition evaluation/environmental impact statement (PED/EIS), was prepared by OSMRE. The PED/EIS evaluated the petition, potential impacts from OSMRE-developed scenarios to represent surface coal mining operations in the petition area, and the impacts of alternative petition decisions available to the decisionmaker on the entire range of resource elements in the social and physical environment.

I have considered the following information in the course of making this decision on the petition: The draft PED/EIS and final PED/EIS documents, the allegations of the petitioners, and the comments in the form of oral testimony at the public hearing and written submissions received during the comment period (which ended June 1, 1987) of Federal agencies, State agencies, local agencies, and members of the public and industry. On the basis of all information that is in the record of this proceeding and the information contained in the public record of the Rock Creek watershed petition, including the final petition evaluation/environmental impact statement (OSMRE PE-8/EIS-22), I have reached the following decision:

I do not designate any part of the petition area as unsuitable for surface coal mining and reclamation operations.

A "Statement of Reasons," which accompanies this decision, explains the basis for any conclusion not to designate the North Chickamauga Creek watershed petition area as unsuitable for surface coal mining operations.

Copies of this decision will be sent to all parties in this proceeding. The decision will become final on the date the "Statement of Reasons" is issued. Any appeal from this decision must be filed within 60 days from that date in the United States District Court for the District of Tennessee, as required by SMCRA section 526(a)(1).

Jed D. Christensen,

Director, Office of Surface Mining Reclamation and Enforcement.

Date: March 17, 1988.

[FR Doc. 88-8012 Filed 4-12-88; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-201-61]

Import Investigations; Certain Knives

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) and scheduling of hearings on injury and remedy.

SUMMARY: Following receipt of a petition filed on March 25, 1988, on behalf of the American Cutlery Manufacturers Association, the United States International Trade Commission instituted investigation No. TA-201-61 under section 201 of the Trade Act of 1974 to determine whether the following knives are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles:

Pen knives, pocket knives, and other knives (except razor blade type knives), all the foregoing which have folding blades or other than fixed blades or attachments, provided for in items 649.71, 649.73, 649.75, 649.77, 649.79, 649.81, and 649.83, of the Tariff Schedules of the United States (TSUS);¹

¹ These articles are provided for in subheading 8211.93.00 in the proposed Harmonized Tariff Schedule of the United States (USITC Pub. 2030).

Cleavers with their handles, provided for in TSUS item 650.03;²

Kitchen and butcher knives with their handles, provided for in TSUS items 650.13, 650.15, and 650.21;³

Steak knives with their handles, provided for in TSUS items 650.13, 650.15, 650.17, and 650.21;⁴

Hunting knives and sheath-type knives with their handles, provided for in TSUS items 650.13, 650.17, 650.19, and 650.21.⁵

The Commission will make its determination in this investigation by September 20, 1988 [see section 201(d)(2) of the act (19 U.S.C. 2251(d)(2))].

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 206, subparts A and B (19 CFR Part 206), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT:

Brian Walters (202-252-1198), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1809. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Participation in the Investigation

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine to accept the late entry for

² These articles are provided for in subheading 8214.90.30 in the proposed Harmonized Tariff Schedule of the United States (USITC Pub. 2030).

³ These articles are provided for in subheading 8211.92.20 and 8211.92.80 in the proposed Harmonized Tariff Schedule of the United States (USITC Pub. 2030).

⁴ These articles are provided for in subheading 8211.91.50 and 8211.91.60 in the proposed Harmonized Tariff Schedule of the United States (USITC Pub. 2030).

⁵ These articles are provided for in subheading 8211.92.40, 8211.92.60, and 8211.92.80 in the proposed Harmonized Tariff Schedule of the United States (USITC Pub. 2030).

good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c)), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Injury Phase

The Commission will hold a hearing in connection with the injury phase of this investigation beginning at 9:30 a.m. on June 21, 1988, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 10, 1988. All persons desiring to appear at the hearing and make oral presentations, with the exception of public officials and persons not represented by counsel, should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on June 15, 1988, in the main Commission hearing room (room 101) of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 16, 1988. Posthearing briefs must be submitted not later than the close of business on June 28, 1988. Confidential material should be filed in accordance with the procedures described below.

Parties are encouraged to limit their testimony at the hearing on injury and the hearing on remedy (see discussion of remedy phase below) to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at these hearings must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Remedy Phase

In the event that the Commission makes an affirmative injury

determination in this investigation, the Commission will hold a hearing on the issue of remedy beginning at 9:30 a.m. on August 18, 1988, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 5, 1988. All persons desiring to appear at the hearing and make oral presentations, with the exception of public officials and persons not represented by counsel, should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on August 11, 1988, in the main Commission hearing room (room 101) of the U.S. International Trade Commission Building. The deadline for filing prehearing remedy briefs is August 12, 1988. Posthearing remedy briefs must be submitted not later than the close of business on August 23, 1988. Remedy briefs must conform with the requirements of § 201.6 of the Commission's rules.

Written Submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the injury phase of this investigation on or before June 28, 1988. Such statements pertinent to the remedy phase must be submitted on or before August 23, 1988. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under the authority of section 201 of the Trade Act of 1974. This notice is published pursuant to § 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: April 7, 1988.

[FR Doc. 88-8091 Filed 4-12-88; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-267]

Certain Minoxidil Power, Salts and Compositions for Use in Hair Treatment; Decision To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Review of initial determination.

SUMMARY: Notice is given that the Commission has determined to review portions of the presiding administrative law judge (ALJ's) initial determination (ID) that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1092.

SUPPLEMENTARY INFORMATION: This action is taken pursuant to Commission rules 210.53-210.56 (19 CFR 210.53-210.56). On February 16, 1988, the ALJ issued an ID finding a violation of section 337. The Commission investigative attorney (IA) filed a petition for review. Complainant The Upjohn Company filed a response to the IA's petition. No government agency comments were received.

Having examined the record in this investigation, including the ID, the petition for review, and the response thereto, the Commission concluded that review of portions of the ID is warranted. Specifically, the Commission will review the following issues relating to industry, prevention, and injury:

1. Whether sufficient evidence exists in the record to show that the Food and Drug Administration (FDA) will approve complainant The Upjohn Company's new drug application for its topical minoxidil compositions which are the subject of this investigation, and when.

2. Whether an "industry . . . in the United States" can be found to exist within the meaning of section 337, where that "industry" is not presently authorized to make sales as a result of a regulatory scheme, such as the FDA regulatory scheme involved here.

3. Whether, assuming an "industry . . . in the United States" can not be found to exist within the meaning of section 337, such an

industry is prevented from being established in this case as a result of infringing imports.

4. Whether it is possible, as a matter of law, in this case, to find that allegedly infringing imports have a tendency to substantially injure a domestic industry which is not authorized to make sales.

5. Whether sufficient evidence, particularly of a quantitative nature, exists in the record to show a tendency to substantially injure, and where in the record such evidence can be found.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of remedy, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of remedy, it must consider the effect of that remedy upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or cease and desist order(s) would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject to the investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions which address the aforementioned public interest factors in the context of this investigation.

If the Commission finds that a violation of section 337 has occurred and orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond which should be imposed.

Written Submissions

The parties to the investigation and interested government agencies are encouraged to file written submissions on the issues under review and on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or proposed cease

and desist order(s) for the Commission's consideration. Persons other than the parties and government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions must be filed by April 14, 1988. Reply submissions must be filed by April 21, 1988.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: April 5, 1988.

[FR Doc. 88-8092 Filed 4-12-88; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-270]

Certain Noncontact Tonometers; Commission Determination Not To Review an Initial Determination

AGENCY: International Trade Commission.

ACTION: Nonreview of an initial determination ("ID") finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an ID finding no violation of section 337 in the above-referenced investigation, except that the Commission takes no position with respect to two parts of the ID.

FOR FURTHER INFORMATION CONTACT:

Timothy M. Reif, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1061.

SUPPLEMENTARY INFORMATION: On June 18, 1987, Cambridge Instruments, Inc. ("Cambridge") of Buffalo, New York, a domestic manufacturer of noncontact tonometers, filed a complaint and a motion for temporary relief, alleging a violation of section 337 of the Tariff Act of 1930 in the unlawful importation and sale of certain noncontact tonometers that allegedly infringe claims 3 and 4 of U.S. Letters Patent 3,585,849 (the "'849 patent"), claim 1 of U.S. Letters Patent 3,756,073 (the "'073 patent"), and claim 1 of U.S. Letters Patent 4,386,611 (the "'611 patent"), the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The Commission instituted an investigation of Cambridge's complaint and published a notice of investigation in the *Federal Register* on July 22, 1987 (52 FR 27,595). The respondents named in the notice of investigation were: Tokyo Optical Co., Ltd., Topcon Instrument Corporation of America, Keeler Instruments Inc., Keeler Holdings, Ltd., Keeler, Ltd., and PA Consulting Services, Ltd. On January 5, 1988, the Commission determined not to review an ID terminating PA Consulting Services, Ltd. as a respondent on the basis of a settlement agreement.

On December 29, 1987, the presiding administrative law judge (the "ALJ") issued an ID granting a Cross-Motion for Partial Termination With Prejudice, terminating the investigation as to the '073 and '611 patents. On January 28, 1988, the Commission determined not to review that ID. The investigation as to the '073 and '611 patents was thereby terminated with prejudice, leaving only the '849 patent subject to investigation.

On February 12, 1988, the ALJ issued an ID in the investigation finding no violation of section 337. Complainant submitted a petition for review, and responses were received from the Commission investigative attorney and from the respondents. No agency comments were received. The Commission determined not to review

the ID, thereby adopting the ALJ's determination, except that the Commission took no position with respect to two statements in the ID. First, the Commission took no position with respect to the ALJ's statements on infringement under the doctrine of equivalents (ID at 80), because such infringement was not alleged by the complainant and the ALJ did not analyze the issue in the ID. In addition, the Commission does not necessarily agree with the ALJ's statements concerning (1) the scope and effect of §§ 210.54 and 210.56 of the Commission's rules, 19 CFR 210.54 and 210.56, and (2) the decision of the U.S. Court of Appeals for the Federal Circuit in *Beliot Corp. v. U.S.I.T.C.* (ID at pages 10-11, *erratum*).

Copies of the nonconfidential version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000. Hearing impaired persons are advised that information on the matter can be obtained by contacting the Commission's TTD terminal on 202-252-1810.

By order of the Commission.
Kenneth R. Mason,
Secretary.

Issued: April 1, 1988.

[FR Doc. 88-8094 Filed 4-12-88; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-275]

Certain Nonwoven Gas Filter Elements; Nonreview of Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice of Commission decision not to review an initial determination granting complainant's motion for summary determination on certain issues.

SUMMARY: Notice is hereby given that the Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation granting complainant Freudenberg Nonwovens Limited Partnership's motion for summary determination that the importation and sale of respondent's nonwoven gas filter

elements have the effect or tendency to substantially injure an efficiently and economically operated domestic industry.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, telephone 202-252-1096. Hearing impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-252-1810.

SUPPLEMENTARY INFORMATION: The Commission's action was taken pursuant to authority contained in 19 U.S.C. 1337 and 19 CFR 210.53.

The subject investigation is being conducted to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain nonwoven gas filter elements which allegedly infringe claims 1-4 and 6-9 of U.S. Letters Patent 4,056,375. Complainant is the patent owner, Freudenberg Nonwovens Limited Partnership. The respondents are Filtrair, B.V., the Dutch manufacturer and exporter of the accused gas filter elements, and APB Corp., the U.S. importer and distributor of those elements. See 52 FR 32182 (Aug. 26, 1987) as amended by 52 FR 44234 (Nov. 18, 1987).

On February 5, 1988, complainant filed a motion for a summary determination that the alleged unfair acts of respondents have the effect or tendency to destroy or substantially injure an efficiently operated domestic industry (Motion No. 275-4). Respondents did not contest the motion. On March 1, 1988, the ALJ issued an ID (Order No. 13) granting complainant's motion.

No petitions for review of the ID or government agency comments were received.

Nonconfidential copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone 202-252-1802.

By order of the Commission.
Kenneth R. Mason,
Secretary.

Issued: April 1, 1988.
[FR Doc. 88-8095 Filed 4-12-88; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31239]

Norfolk and Western Railway Co. and Wabash Railroad Co. Renewal of Lease Exemption

Norfolk and Western Railway Company (NW) and Wabash Railroad Company (Wabash) have agreed to renew and extend a lease by NW of the properties of Wabash for an additional term of 8 years to commence October 18, 1988. The Wabash properties are located in Michigan, Ohio, Indiana, Illinois, Missouri, and Iowa. NW and Wabash have agreed to amend the existing lease of the Wabash properties under a sixth amendment to the initial lease of 8 years, which was authorized by the Commission in Finance Docket No. 21510 *et al.*, *Norfolk & W. Ry. Co. and New York, C. & St. L. Ry. Co. Merger*, 324 I.C.C. 1 (1964). The Commission has twice approved 8-year extensions of the initial lease. See Finance Docket No. 21511, *Norfolk and Western Railway Company-Lease-Wabash Railroad Company, et al.*, Fourth Supplemental Decision (not printed), served August 19, 1980, and Fifth Supplemental Decision (not printed), served September 3, 1980. NW and Wabash expect to execute the sixth amendment extending the lease on or about April 1, 1988.

This notice is filed under 49 CFR 1180.2(d)(4). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to sue of this exemption, any employees affected by the lease transaction will be protected pursuant to *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980).

Dated: April 7, 1988.

By the Commission, Joseph H. Dettmar,
Acting Director, Office of Proceedings.
Noreta R. McGee,
Secretary.

[FR Doc. 88-8033 Filed 4-12-88; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Water Act; Blytheville, AK

In accordance with Departmental policy, 28 CFR 50.7, notice is here given that on April 5, 1988, a proposed Consent Decree in *United States v. City of Blytheville, Arkansas and the State of Arkansas*, was lodged with the United

States District Court for the Eastern District of Arkansas. This agreement resolves a judicial enforcement action brought by the United States against the city of Blytheville which alleged violations of the Clean Water Act, Blytheville's National Pollutant Discharge Elimination System (NPDES) permits and Environmental Protection Agency Administrative Orders issued against Blytheville at the three Blytheville municipal wastewater treatment plants.

The consent decree provides for the design and construction of additional or upgraded wastewater treatment facilities necessary to obtain and maintain compliance with Blytheville's final effluent limitations by July 1, 1988, and compliance with interim effluent limits until then. The agreement further provides for stipulated penalties for failure to comply with the provisions of the decree and for the payment of a civil penalty of \$37,500 for past violations of the Clean Water Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to: *United States v. City of Blytheville, Arkansas and the State of Arkansas*, D.J. Ref. 90-5-1-2350.

The proposed Consent Decree may be examined at the office of the United States Attorney or the regional office of the Environmental Protection Agency as follows:

U.S. Attorney

U.S. Attorney, Eastern District of Arkansas, Box #1129, Little Rock, Arkansas 70501

EPA

Office of Regional Counsel, Region VI, 1201 Elm Street, Dallas, Texas 75270

A copy of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the Decree, please enclose a check payable to the Treasury of the

United States in the amount of \$1.90 for reproduction costs.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-8007 Filed 4-12-88; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act; B.R. MacKay & Sons, etc.

In accordance with Departmental policy, notice is hereby given that on April 5, 1988, a proposed Consent Decree in *United States v. B.R. MacKay and Sons, Inc., et al.*, Civil Action No. 85 C 6925, was lodged with the United States District Court for the Northern District of Illinois. The proposed Consent Decree provides for the recovery of certain costs incurred by the Environmental Protection Agency under section 104 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604, in responding to the release of cyanide-contaminated film chips at various locations in Cook and Lee Counties, Illinois.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. B.R. MacKay and Sons, Inc., et al.*, D.J. reference # 90-11-3-77.

The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604, at the Region V office of the United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 9th Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the

amount of \$2.00 payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-8008 Filed 4-12-88; 8:45 am]

BILLING CODE 4410-01-M

[Civil Action No. 83-2162-0]

Lodging of Consent Decree; Carolawn Co., Inc. et al.

United States of America, Plaintiff, v. Carolawn Company, Inc.; Et Al. Defendants.

Pursuant to 28 CFR 50.7, section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9622(d)(2), and section 7003(d) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 9673(d), a proposed Consent Decree has been lodged on March 30, 1988 with the Court in this civil action, after having been concurred to and signed by all parties. These regulations and statutes require that the United States provide public notice and an opportunity for comment on the proposed Consent Decree. After the requisite Federal Register notice is published, the time period for comments has run, and the comments, if any have been evaluated, the Court will be further advised as to any action which may be required by the Court at that time. During the pendency of the Federal Register notice comment period no action is required of the Court.

Quentin C. Pair,

Attorney-in-Charge for the United States, Environmental Enforcement Section, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 (202) 633-2593.

[FR Doc. 88-8005 Filed 4-12-88; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; Virginia Electric and Power Co.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on April 6, 1988 a proposed consent decree was lodged with the United States District Court for the Eastern District of Virginia in *United States v. Virginia Electric and Power Company*, Civil Action No. 88-40-NN. The proposed consent decree addresses groundwater contamination and threatened surface water contamination

at and in the vicinity of several fly ash disposal pits located in York County, Virginia (the "Site"). The decree requires defendant Virginia Electric and Power Company ("Virginia Power") to take steps to remedy existing groundwater contamination and to prevent further contamination of both groundwater and surface water at and in the vicinity of the Site. The decree also requires Virginia Power to reimburse the United States for response costs incurred in connection with the Site.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Virginia Electric and Power Company*, DJ Ref. 90-11-2-239.

The proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of Virginia, Room 409, United States Post Office & Courthouse, Granby Street, Norfolk, Virginia, and at the Region III office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania. Copies of the consent decree may be examined at the offices of the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.80 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-8010 Filed 4-12-88; 8:45 am]

BILLING CODE 4410-01-M1

Antitrust Division

National Cooperative Research Act of 1984; Joint Venture To Conduct Research on Trap-Based Diesel Emission Control System; Engine Manufacturers Association

Notice is hereby given that, pursuant to section 6(a) of the National

Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), that Engine Manufacturers Association ("EMA") has filed written notification on behalf of EMA and the Ontario Research Foundation ("ORF") simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the membership of the project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, MMC Services, Inc. became a participant in the Project.

Accordingly, at present the members of the EMA are those companies listed below:

Briggs & Stratton Corporation
Caterpillar, Inc.
Cummins Engine Company, Inc.
Deere & Company
Detroit Diesel Corporation
Deutz Corporation
Ford Motor Company
Hercules Engines, Inc.
Iveco Trucks of North America
Kohler Company
Mack Trucks, Inc.
Mercedes-Benz Truck Company
MMC Services, Inc.
Navistar International Transportation Corp.
Onan Corporation
Perkins Engines, Inc.
Saab-Scania of America, Inc.
Teledyne Total Power
Volvo GM Heavy Duty Truck Corporation
Waukesha Engine Division, Dresser Industries, Inc.

With the exception of Briggs & Stratton Corporation, Kohler Company, Teledyne Total Power, and Waukesha Engine Division Dresser Industries, Inc., all current members of EMA are participants in the project.

On June 9, 1986, EMA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the *Federal Register* pursuant to section 6(b) of the Act on July 17, 1986, 51 FR 25956.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

[FR Doc. 88-8009 Filed 4-12-88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines; Meeting

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of advisory committee meeting.

SUMMARY: This notice provides the date, time, place, and agenda summary for the fourth meeting of the Mine Safety and Health Administration Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203; phone (703) 235-1910.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in sections 101 and 102(c) of the Federal Mine Safety and Health Act of 1977, a public meeting of the Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines will be held between the hours of 8:30 a.m. and 5:00 p.m. on May 2, 1988, at the Inhalation Toxicology Research Institute, Lovelace Biomedical and Environmental Research Institute, Building 9200, Kirtland Air Force Base East, Albuquerque, New Mexico. Those persons planning to attend the meeting on May 2 should notify Ms. Jennifer Pitts, Mine Safety and Health Administration, Office of Technical Support, Room 937, 4015 Wilson Boulevard, Arlington, Virginia 22203; phone (703) 235-1582.

On May 3, a public meeting of the Advisory Committee will be held between the hours of 8:30 a.m. and 5:00 p.m. at the Albuquerque Marriott Hotel, 2101 Louisiana Boulevard NE., Albuquerque, New Mexico 87110, phone (505) 881-6800.

This nine-member advisory committee was formed to advise and make recommendations to the Secretary of Labor on safety and health standards and regulations related to the use of diesel equipment in underground coal mines.

The agenda for this meeting will include discussions on the Mine Safety and Health Administration draft standards for diesel equipment operated outby the last open cross-cut. Safety

requirements for diesel equipment which may be included under 30 CFR Part 75 will also be discussed.

Official records of the meeting will be available for public inspection at the Office of Technical Support, Mine Safety and Health Administration, Room 913A, 4015 Wilson Boulevard, Arlington, Virginia 22203; phone (703) 235-1570.

Signed at Arlington, Virginia this 8th day of April, 1988.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 88-8061 Filed 4-12-88; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[88-35]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting Change

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

Federal Register Citation of Previous Announcement: 53 FR 8707, Notice Number 88-24, March 16, 1988.

Previously Announced Times and Dates of Meeting: April 7, 1988, 9:30 a.m. to 4 p.m.

Changes in the Meeting: Date changed to May 3, 1988, 9:30 a.m. to 4 p.m.

CONTACT PERSON FOR INFORMATION:

Mr. Doug Kirkpatrick, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2803.

John F. Duggan,

Director, General Management Division.
April 6, 1988.

[FR Doc. 88-8032 Filed 4-12-88; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Florida Power and Light Co.; Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50-250 and 50-251]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of license amendments to revise the Technical Specifications regarding D.C. Power Sources for the Turkey Point Plant, Units Nos. 3 and 4, located in Dade County, Florida.

Environmental Assessment

Identification of Proposed Action: The amendments would revise the surveillance and test requirements for station batteries and battery chargers to assure that the equipment operates as required. The revised surveillance and test requirements would be closer to those of a modern plant and would approach the requirements of the Standard Technical Specifications.

The Need for the Proposed Action:

The revised surveillance and test requirements would upgrade the Turkey Point plant requirements. The revised requirements are more extensive, provide additional operational controls, are more in line with the battery manufacturer's recommendations, and are, on balance, a safety improvement.

Environmental Impacts of the

Proposed Action: The proposed amendments affect only the frequency of surveillance tests and do not affect previously analyzed accidents. Thus, post-accident radiological releases will not differ from those previously determined and the proposed amendments do not otherwise affect facility radiological effluents, or any significant occupational exposures. Likewise, the amendments do not affect facility nonradiological effluents and have no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed amendments.

Alternatives to the Proposed Action:

Since the Commission has concluded there is no measurable environmental impact associated with the proposed amendments, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the amendments would be to deny the request for amendments. Such an action would result in environmental impacts which are equal to or greater than the proposed action.

Alternative Use of Resources: The action involves no use of resources not previously considered in the Final Environmental Statement (operating licenses) for the Turkey Point Plant, Unit Nos. 3 and 4, dated July 1972.

Agencies and Persons Consulted: The NRC staff did not consult with any other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. The Commission

has, therefore, determined not to prepare an environmental impact statement for the proposed amendments.

For further details with respect to this action, see the application for amendments dated December 22, 1987, and supplemented March 17, 1988, which are available for public inspection at the Commission's Public Document Room, 1717 H. Street, NW, Washington, DC, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Rockville, Maryland, this 7th day of April, 1988.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II-2, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-8045 Filed 4-12-88; 8:45 am]

BILLING CODE 75990-01-M

[Docket No. 50-250 and 251]

Florida Power and Light Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-31 and DPR-41, issued to the Florida Power and Light Company (the licensee), for operation of the Turkey Point Plant, Units 3 and 4, located in Dade County, Florida.

The amendments would revise Technical Specification (TS) 3.4.4 to: (1) Require applicability in Modes 1, 2, 3, and 4, (2) allow one Component Cooling Water (CCW) heat exchanger to be out of service for 72 hours instead of the current 24 hours, (3) revise the action requirements to be consistent with the operational modes specified in Table 1.1 of the TS, and (4) reduce the time allowed to go from hot standby to cold shutdown to be consistent with the Standard TS. In addition, the format would be revised to be consistent with NUREG-0452, Standard Technical Specifications for Westinghouse Pressurized Water Reactors (STSS).

By letter dated April 4, 1988, the licensee proposed processing the amendment on an emergency basis. While the justification provided in the April 4, 1988 letter did not meet the requirements in 10 CFR 50.91(a)(5) for an emergency amendment, the Commission finds that exigent circumstances exist

(see 10 CFR 50.91(a)(6)) based on the justification provided below.

As described in the licensee's letter dated November 18, 1987, Florida Power and Light (FPL) has modified the Unit 3 CCW heat exchangers to provide an on-line mechanical tube cleaning capability. FPL had planned to modify the Unit 4 heat exchangers during the Unit 4 refueling outage scheduled for late 1988 or early 1989. FPL would like to implement those modifications on Unit 4 prior to the coming summer months to ensure acceptable heat exchanger performance without the need for extensive repetitive heat exchanger cleaning. Installation of the tube cleaning system is expected to be accomplished under the provisions of 10 CFR 50.59.

Based on their experience with CCW heat exchangers during the summer of 1987, FPL has determined that the best course of action is to install the continuous tube cleaning system on Unit 4 before this summer. FPL indicates this installation process will require a 72-hour period with a heat exchanger out of service for installation of a spool piece prior to putting the heat exchanger back in service. After approximately a 2-month period for system construction, additional 72-hour out-of-service periods will be required to put the system into operation.

According to FPL, if this work can start by April 15, 1988, the final out-of-service period of the installation would fall in mid-June. For this schedule to be successful, the remaining two inservice heat exchangers must be cleaned sufficiently to ensure that design basis heat loads can be carried for the out-of-service period. The time required to process a regular TS amendment request would drive the final out-of-service period for installation into mid-July or later. The licensee cannot ensure that two inservice heat exchangers could support installation during the time period based on their estimate of cooling canal temperatures. This would require shutdown of the unit to install the system.

Installation of the system during the April-June time frame will also allow completion of the optimization testing before next summer.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means

that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided an analysis to address the no significant hazards considerations. The relevant text of the licensee's analysis follows:

Operation of Turkey Point Units 3 and 4 in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change introduces no new mode of operation nor does it involve a physical modification to the plant. The proposed increase in allowed out of service time would not invalidate the assumptions used in the accident analysis regarding CCW system capability, or affect the ability of the two operable heat exchangers to remove 100 percent of the design basis accident heat loads. CCW heat exchanger operability is determined by a surveillance program which considers a number of factors including flow rates, intake cooling water inlet temperature, and heat exchanger tube cleanliness. The probability of a passive failure of one of the two operable heat exchangers during the 72 hours one heat exchanger is out of service is sufficiently small that operation with the heat exchanger out of service will not involve a significant increase in the probability or consequences of an accident previously analyzed.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated, since no new mode of operation or physical modification to the plant is involved in this specific change.

(3) Involve a significant reduction in a margin of safety. The basis for the TS states that one pump and two heat exchangers meet the requirements of the safety analysis. With one heat exchanger out of service, the two operable heat exchangers are capable of removing the design basis accident heat loads. CCW heat exchanger operability is determined by a surveillance program which considers a number of factors including flow rates, intake cooling water inlet temperature, and heat exchanger tube cleanliness.

In addition, the Commission has provided guidance for the application of the criteria in 10 CFR 50.92 specified above by providing examples of changes that are not likely to involve a significant hazards consideration (51 FR 7751).

Example (i): A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or change in nomenclature.

Example (ii): A change that constitutes an additional limitation, restriction, or control not presently included in the technical

specifications, e.g., a more stringent surveillance requirement.

The reformatting to be consistent with the STS is an administrative change and is similar to example (i). The requirement that the CCW system be operable in Modes 1 through 4, and the revised action statements are more restrictive requirements, and are similar to example (ii).

Therefore, operation of the facility in accordance with the proposed amendment[s] would pose no threat to the public health and safety, and would not involve a significant hazards consideration.

The staff agrees with the licensee's conclusion that the amendment request involves no significant hazards considerations for the following reasons:

(1) The specification of applicable modes is more restrictive than the current TS which does not specify modes. The applicable modes proposed include all operating modes when the reactor core is critical and when the reactor coolant temperature is greater than the 200°F; i.e., the operating modes in which the CCW heat exchanger has most significance for reactor safety.

(2) The relaxation of permissible outage time for one CCW heat exchanger from the current 24 hours to the proposed 72 hours is insignificant to safety. Only two heat exchangers are required to meet the design basis heat removal requirement. Each Turkey Point Unit has three heat exchangers. Should the two operating heat exchangers show degraded performance while the third heat exchanger is out of service, this can be accommodated by reducing power and shutting the plant down.

Operational experience in the industry with heat exchangers, which are considered passive components, shows they rarely, if ever, fail catastrophically in a way that would threaten safety, but instead their usual failure modes are gradual degradation of heat removal surfaces due to silt or chemicals in the coolant, or small random leaks in individual tubes. In a meeting summary on this subject, dated March 29, 1988, the staff indicated no requirement is necessary for allowed outage time for the third CCW heat exchanger at Turkey Point Units 3 and 4.

(3) Revision of the action requirements to be consistent with applicable modes is an administrative change with no safety significance.

(4) Reduction of the time to go to cold shutdown is a more restrictive requirement and should enhance safety slightly.

(5) Reformatting to be consistent with Standard TS is a safety improvement because the current Standard TS have improved organization and logic in their

structure compared to the older (and current) Turkey Point TS.

Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the *Federal Register* notice.

Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 13, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons

why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendments are issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards considerations, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment request involves significant hazards considerations, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue the amendments until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 15-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, NW., Washington, DC 20036.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated April 4, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC

20555, and at the Local Public Document Room, Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Rockville, Maryland, this 8th day of April, 1988.

For the Nuclear Regulatory Commission.
Gordon E. Edison,

Senior Project Manager, Project Directorate II-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-8046 Filed 4-12-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-06579, License Nos. 45-08890-01 and 45-08890-02, EA 87-128]

Frøehling & Robertson, Inc.; Order Imposing Civil Monetary Penalty

I

Frøehling & Robertson, Inc., Richmond, Virginia, (licensee) is the holder of Materials License No. 45-08890-01 issued by the Nuclear Regulatory Commission (NRC/Commission) on February 21, 1963. The license authorized the licensee to use radioactive materials for industrial radiography in accordance with the conditions specified therein.

II

A routine unannounced inspection of the licensee's activities was conducted on June 18, 1987, and a special inspection of the licensee's activities was conducted on July 13, 1987. The results of these inspections indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated November 6, 1987. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by two letters both dated December 1, 1987. In its letters, the licensee admits the violations, but presents new information regarding violations A, B.1, B.3.b, B.3.c, B.3.d, B.3.e, and C.1, and requests that the proposed civil penalty be mitigated.

III

After consideration of the licensee's responses and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined as set forth in the Appendix to this Order that

violations B.3.c and B.3.e should be withdrawn in their entirety; that portions of violations B.3.b and C.1 should be withdrawn; that the remaining portions of violations B.3.b and C.1 and the remaining violations occurred as stated; and, that the penalty proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be reduced by 16 percent and imposed.

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It is Hereby Ordered That:*

The licensee pay a civil penalty in the amount of Four Thousand Two Hundred Dollars (\$4,200) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II, 101 Marietta St., NW., Suite 2900, Atlanta, Georgia 30323.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

Having admitted the violations, in the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

Whether, on the basis of such violations, this Order should be sustained.

For the Nuclear Regulatory Commission.
James M. Taylor,
Deputy Executive Director for Regional Operations.

Dated at Bethesda, Maryland, this 5th day of April 1988.

Appendix—Evaluations and Conclusions

On November 6, 1987, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during routine and

special NRC inspections. Frøehling & Robertson, Inc. responded to the Notice on December 1, 1987. In its responses, the licensee admits the violations, but presents new information regarding Violations A, B.1, B.3.b, B.3.c, B.3.d, B.3.e, and C.1, and requests that the proposed civil penalty be mitigated. The NRC's evaluation and conclusion regarding the licensee's arguments are as follows:

Restatement of Violation A

10 CFR 20.201(b) requires, in part, a licensee to make such surveys as may be necessary to comply with the regulations in 10 CFR Part 20. A "survey" is defined in 10 CFR 20.201(a) as an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of circumstances.

10 CFR 20.101 specifies radiation dose standards for individuals in restricted areas.

License Condition 16 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in documents including its license application dated May 28, 1986 and letter dated July 15, 1986, including any enclosures.

Section 5.3.1.5 of the license application requires, in part, that the licensee issue film badges for periods of two weeks or one month. At the end of the effective period, new badges are to be duly assigned. The old badge must then be returned to the Radiation Safety Officer (RSO) or his representative for transmittal to the health physics agency utilized for film badge measurements.

Contrary to the above, the licensee did not conduct such surveys as were necessary to determine the radiation doses of three employees located at the Richmond Branch location for the period between September 25, 1986 and January 15, 1987. The film badges worn by the three employees were not returned to the film badge vendor in a timely manner, and therefore the film badge vendor could not process the three employees' film badges due to the aging effects on the film from the delay in submitting the film badges. Also, the licensee did not conduct such surveys as were necessary to determine the radiation doses of six employees located at the Richmond Branch location for the period between January 15, 1986 and April 18, 1986. In this case, the film badges were not submitted to the film badge vendor for processing on a monthly frequency as specified in

Section 5.3.1.5 of the license application. In neither case was a further evaluation made nor was an appropriate estimated radiation dose assigned to these individuals for these periods.

Summary of Licensee's Response

The licensee admits that the two individuals, who were assigned film badges under NRC License No. 45-08890-01 for one month periods beginning January 15, 1986, August 15, 1986, September 15, 1986, and January 15, 1987, returned their film badges to the supplier too late for radiation exposure processing.

However, the licensee contends that the "three" and "six" employees referred to in the Notice of Violation actually applied to only two individuals working for one month periods under this particular license. The licensee states that radiation exposure data from pocket dosimeters was available for the two individuals during the period in question and that the radiation dose limits for the two individuals were not exceeded.

NRC Evaluation of Licensee's Response

During the inspections conducted on June 18 and July 13, 1987, the licensee's RSO stated that three radiography employees were employed by the licensee between September 25, 1986 and January 15, 1987. Seimens monthly film badge reports (process numbers C02, K95, M99, and O24 with report print dates of September 25, 1986; December 9, 1986; January 12, 1987; and January 15, 1987, respectively) were printed and sent to Froehling & Robertson between September 25, 1986 and January 15, 1987. These film badge reports stated that monthly radiation exposures for a total of 42 film badges could not be determined during this period of time. Badges worn by three radiographers employed by Froehling & Robertson were included in the 42 film badges which could not be analyzed due to the aging effect of the film.

During the inspections, the RSO also stated that at least six radiographers were employed by the licensee between January 15 and April 18, 1986. The Seimens Radiation Exposure Report for this period (process #498—dated April 25, 1986—Richmond Branch) listed 54 individual film badges which were issued to Froehling & Robertson by Seimens on January 15, 1986. These 54 film badges were not received by Seimens for exposure processing until April 18, 1986. Included in the 54 film badges were film badges for six radiographers which were employed by Froehling & Robertson.

The licensee contends that the "three" and "six" employees referred to in the Notice of Violation actually applied to only two individuals working for one month periods under license no. 45-08890-01. Whether only two individuals were involved as the licensee contends, or three or six, as found by the NRC, is not at issue. The violations occurred regardless of the number of employees for whom film badges were not promptly submitted. The fact that film badges for one or more individuals were not processed as required is not disputed by the licensee. The NRC is aware that the licensee currently possesses two byproduct material licenses (license nos. 45-08890-01 and 45-08890-02). Although the licensee may only employ two individuals to work under license no. 45-08890-01, the licensee is also responsible for assuring compliance for all individuals who work with radioactive material as defined in 10 CFR 20, including individuals who work under license no. 45-08890-02. The NRC is amending its records to reflect that the violations occurred under both licenses.

At the time of the inspections, no other evaluation of the radiation exposures that may have been received by the employees during the periods in question had been performed by the licensee. Pocket dosimeter reports, without film or TLD badge reports, do not constitute an adequate evaluation of radiation hazards as defined in 10 CFR 20.201(a) and (b). The routine use of pocket dosimeters is required under License Condition 16, (Section 5.3 of the May 28, 1987 license application), but in conjunction with, rather than in lieu of, film badges.

Restatement of Violation B.1

B. License Condition 16 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in documents including its license application dated May 28, 1986, and letter dated July 15, 1986, including any enclosures.

1. Section 14.6 of the license application requires the Primary Radiation Safety Officer (RSO), at least once per quarter, to evaluate the overall Radiological Safety Program in order to ensure that all areas are sufficient for the safe and efficient control of both personnel and material.

Contrary to the above, between June 18, 1984 and June 18, 1987, the Primary RSO did not evaluate the overall Radiological Safety Program.

Summary of Licensee's Response

The licensee asserts that it only failed to record rather than perform quarterly evaluations required. The licensee states that the evaluations were made on a continuing basis, but the need for maintaining records regarding the evaluations was mistakenly considered unnecessary.

NRC Evaluation of Licensee's Response

The Primary RSO (individual W.B.) stated at the time of the inspection that he was not aware of the requirement to re-evaluate the overall radiological safety program at least once per quarter as specified in the licensee's application. Consequently, the NRC has concluded that violation B.1 occurred as stated.

Restatement of Violation B.3.b

B. License Condition 16 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in documents including its license application dated May 28, 1986, and letter dated July 15, 1986, including any enclosures.

3. Section 4.7 of the license application requires the licensee to record and maintain, in the form of utilization records (Form 605), complete records of all radiographic operations. This should include a sketch of the area and show placement of the source, signs, ropes, etc. The report should also contain all pertinent information concerning by-product material, survey meters, location and date(s) of operation, radiographic personnel involved, etc.

Contrary to the above:

b. On June 9, 1987, at the Roanoke Branch operation, the licensee did not maintain a complete record of radiographic operations in that it did not record a survey of the iridium-192 radiographic exposure device (Model 520, Serial No. 720) when the device was removed from storage for use after the last exposure at the radiography site and after the radiographic exposure device was placed back in a storage area.

Summary of Licensee's Response

The licensee agrees that the utilization log (Form 605) was not used to record the survey of the exposure device on June 9, 1987. However, the licensee contends that a survey was performed of the exposure device upon removal from the storage area and was recorded on another form (Form 603).

NRC Evaluation of Licensee's Response

The NRC has determined that a survey of the radiographic exposure device was performed and recorded on another form (Form 603) upon removal of the device from storage for use after the last exposure on June 9, 1987. Therefore, this portion of the violation is withdrawn. However, as stated in violation B.3.b, the licensee did fail to record a survey of the radiographic device after the device was placed back in storage. The NRC has concluded that this portion of the violation occurred as stated.

Restatement of Violation B.3.c

B. License Condition 16 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in documents including its license application dated May 28, 1986 and letter dated July 15, 1986, including any enclosures.

3. Section 4.7 of the license application requires the licensee to record and maintain, in the form of utilization records (Form 605), complete records of all radiographic operations. This should include a sketch of the area and show placement of the source, signs, ropes, etc. The report should also contain all pertinent information concerning by-product material, survey meters, location and date(s) of operation, radiographic personnel involved, etc.

Contrary to the above,

c. On June 9, 1987, at the Roanoke Branch operation, the licensee did not maintain a complete record of radiographic operations in that it did not record a survey of the radiography vehicle's exterior surface or passenger compartment once the radiographic exposure device was placed in the radiography vehicle for transport.

Summary of Licensee's Response

The licensee agrees that the utilization log (Form 605) was not used to record the survey of the vehicle's exterior surface or passenger compartment on June 9, 1987. However, the licensee contends that a survey was performed and recorded on another form (Form 603).

NRC Evaluation of Licensee's Response

The NRC has determined that a survey of the vehicle's exterior surface and passenger compartment was performed and recorded on another form (Form 603) on June 9, 1987. Therefore, the NRC withdraws violation B.3.c.

Restatement of Violation B.3.d

B. License Condition 16 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in documents including its license application dated May 28, 1986 and letter dated July 15, 1986, including any enclosures.

3. Section 4.7 of the license application requires the licensee to record and maintain, in the form of utilization records (Form 605), complete records of all radiographic operations. This should include a sketch of the area and show placement of the source, signs, ropes, etc. The report should also contain all pertinent information concerning by-product material, survey meters, location and date(s) of operation, radiographic personnel involved, etc.

Contrary to the above:

d. On June 9, 1987, a licensee's radiographer of the Roanoke Branch operation did not record a sketch of radiographic operations at a radiography site in Blacksburg, Virginia on the utilization record.

Summary of Licensee's Response

The licensee states that the sketch was made, but that no radiation exposure levels were noted.

NRC Evaluation of Licensee Response

The sketch provided on the form was incomplete. It indicated only the location of the source. Warning signs, ropes, barricades, objects affecting the area, radiation levels, distances from the source, and the approximate exposure time were not included as required by Form 605. Therefore, the NRC has concluded that violation B.3.d occurred as stated in the Notice.

Restatement of Violation B.3.e

B. License Condition 16 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in documents including its license application dated May 28, 1986 and letter dated July 15, 1986, including any enclosures.

3. Section 4.7 of the license application requires the licensee to record and maintain, in the form of utilization records (Form 605), complete records of all radiographic operations. This should include a sketch of the area and show placement of the source, signs, ropes, etc. The report should also contain all pertinent information concerning by-product material, survey meters, location and date(s) of

operation, radiographic personnel involved, etc.

Contrary to the above:

e. On January 7 and May 19, 1987, the licensee's Richmond Branch operation did not record on the utilization record the serial number and calibration date of the survey meter used during the radiographic operations.

Summary of Licensee's Response

The licensee agrees that the utilization log (Form 605) was not used to record the serial number and calibration date of the survey meter used during radiographic operations on January 7 and May 19, 1987. However, the licensee contends that pertinent survey meter information was recorded on another form (Form 604).

NRC Evaluation of Licensee's Response

The NRC has determined that the serial number and calibration date of the survey meter used during radiographic operations on January 7 and May 19, 1987, were recorded on another form (Form 604). Therefore, the NRC withdraws violation B.3.e.

Restatement of Violation C.1

C. 10 CFR 71.5(a) requires that each licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR Parts 170 through 189 appropriate to the mode of transport.

49 CFR 172.200(a) requires that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

1. 49 CFR 172.203(d)(1)(iii) requires the licensee's description for a shipment of radioactive material to include the activity contained in each package of the shipment in terms of curies, millicuries, or microcuries.

Contrary to the above, the licensee did not include, on shipping papers, the activity of iridium-192 sources (Radioactive Materials N.O.S. NA 9182 UN 2974, Special Form Type B) shipped from the Richmond Branch on April 28 and June 14, 1987.

Summary of Licensee's Response

The licensee denies one example (April 28, 1987) of violation C.1, and asserts that offsite transport of iridium-192 source(s) did not occur on that particular date. With regard to the transport on June 14, 1987, the licensee asserts that although the activity of the

source was not recorded on the shippers certification portion of the Utilization Record, it was recorded under the Equipment section of that form.

NRC Evaluation of Licensee Response

The NRC has determined that no offsite transport of iridium-192 sources occurred on April 28, 1987. However, the licensee did not include, on the shippers certification portion of the Utilization Record of the shipping papers, the activity of iridium-192 sources shipped from the Richmond Branch on June 14, 1987. Therefore, the NRC staff has concluded that the April 28, 1987, example should be withdrawn and that the June 14, 1987, example occurred as stated. Our records will be revised accordingly.

Licensee's Arguments for Mitigation of the Civil Penalty

The licensee argues that given its prior good performance, the absence of repetitive violations and the full extent of its corrective action, including involvement of corporate management in reviewing proper documentation, establishing a computer data base for maintenance of data, and discipline of personnel, the proposed civil penalty should be mitigated. In addition, the licensee notes that violations B.1 and B.2 had not been identified for correction in previous NRC inspections; that violations B.3. b, c, and d correspond with a single use on June 9, 1987, that the incident was an exception; that the general impact of the violations was not realized until the Notice of Violation was received; and that the Enforcement Conference of July 15, 1987, did not reflect the apparent gravity of the violations.

NRC Evaluation of Licensee's Response

The licensee's prior performance and corrective actions were considered prior to issuance of the Notice. While the licensee's corrective actions were adequate, they were not so prompt and extensive as to warrant mitigation of the civil penalty, but, rather, were those that would be expected of a licensee. Similarly, the licensee's prior performance, while adequate, was not such as would warrant mitigation. With regard to the licensee's argument that its lack of repetitive violations merits mitigation, under the Enforcement Policy, while the existence of repetitive violations may result in escalation of a civil penalty, the lack of repetitive violations does not necessitate that the penalty be mitigated.

The NRC agrees that violations B.1 and B.2 were not identified by the NRC during previous inspections. However, NRC inspections are only a partial audit of a licensee's operation. The licensee is responsible for identifying violations and complying with NRC regulations and the conditions of its license.

While violations B.3. b, c, and d may involve a single incident, the NRC does not agree that this incident constitutes an exception. Rather, the Notice cites several examples of the licensee's failure to maintain complete records. Therefore, the NRC does not believe that reduction of the civil penalty is warranted for this reason.

With regard to the licensee's argument that the Enforcement Conference did not reflect the gravity of the violations, the NRC notes that during the Enforcement Conference, the licensee was made aware of the reasons for the conference as well as the policies regarding escalated enforcement actions, and each apparent violation was reviewed and discussed. Moreover, the letter transmitting NRC Inspection Report No. 45-08890-01/87-01 issued to the licensee on August 11, 1987, explained that escalated enforcement action was being considered as a result of the NRC inspections. Consequently, the NRC contends that the licensee was made aware of the implications of the violations and the possibility of escalated enforcement action during the Enforcement Conference and through subsequent correspondence.

NRC Conclusion

The NRC staff has concluded that violations B.3.c and B.3.e should be withdrawn in their entirety, that portions of violations B.3.b and C.1 should be withdrawn, that remaining portions of violations B.3.b and C.1 and the remaining violations occurred as stated in the Notice, and that an adequate basis has not been provided for complete reduction of the proposed civil penalty amount. Because violations B.3.c and B.3.e have been withdrawn in their entirety and because the proposed civil penalty was assessed equally among the violations, the proposed civil penalty amount has been reduced by approximately 2/13ths or 16 percent (\$800). Therefore, the NRC staff has concluded that a civil penalty in the amount of \$4,200 should be imposed.

[FR Doc. 88-8047 Filed 4-12-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-42 and DPR-60, issued to the Northern States Power Company (the licensee), for operation of the Prairie Island Nuclear Generating Plant, Units Nos. 1 and 2, located in Goodhue, Minnesota.

In accordance with the licensee's application for amendments dated September 28, 1987, the amendments would change the surveillance test frequency in the Technical Specifications of the turbine stop valves, governor valves and the intercept valve associated with turbine overspeed protection. Surveillance testing of these valves is necessary to assure the performance of their safety function in protecting against the consequences of a turbine missile ejection accident. Specifically, the surveillance test frequency would be changed from monthly to a test interval consistent with the methodology for evaluating the reduction in turbine valve test frequency set forth in Westinghouse Topical Report WCAP-11525, that meets the established NRC acceptance criteria for the probability of a missile ejection incident of 1.0×10^{-5} per year. The turbine valve test interval will not exceed one year.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 13, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the

request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last

ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Martin J. Virgilio: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated September 28, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Technology and Science Department, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 5th day of April 1988.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Director, Project Directorate III-1, Division of Reactor Projects III, IV, V & Special Projects.

[FR Doc. 88-8048 Filed 4-12-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277-OLA and 50-278-OLA; ASLBP No. 88-569-06-OLA]

**Philadelphia Electric Co. et al.;
Establishment of Atomic Safety and
Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972,

published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

Philadelphia Electric Company et al.

Peach Bottom Atomic Power Station, Units 2 and 3

Facility Operating License Nos. DPR-44 and DPR-56

This Atomic Safety and Licensing Board is being designated pursuant to the provisions of an Order issued by the Commission on April 1, 1988 with respect to its proposed issuance of amendments to licenses held by the Philadelphia Electric Company, *et al.* ("PECO") for operation of the Peach Bottom Atomic Power Station, Units 2 and 3. 52 FR 48583. The proposed amendments would modify Section 6 of the facility Technical Specifications to reflect (1) a new corporate and a new plant staff organizational structure, (2) a revised composition of the Plant Operations Review Committee and (3) several administrative changes, as requested in PECO's application for amendment dated November 19, 1987.

The Board is comprised of the following administrative judges:

John H. Frye, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Glenn O. Bright, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

Issued at Bethesda, Maryland, this 6th day of April 1988.

[FR Doc. 88-8011 Filed 4-12-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

**Virginia Electric and Power Co.;
Consideration of Issuance of
Amendments to Facility Operating
Licenses and Opportunity for Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. DPR32 and to Facility Operating License No. DPR-37, issued to Virginia Electric and

Power Company (the licensee), for operation of the Surry Power Station, Unit Nos. 1 and 2, located in Surry County, Virginia.

The amendments would revise Technical Specification Section 3.1.B of the Surry Units 1 and 2 Technical Specifications by revising the heatup and cooldown limits on reactor coolant temperature and pressure and the reactor coolant system components, except the pressurizer. The revised curves are more restrictive than the curves currently included in the Technical Specifications for low temperatures. The amendments would also revise the setpoints on power-operated relief valves (PORV) for providing overpressure protection when the reactor coolant system average temperature is lower than 350°F. Finally, the amendments would delete the reactor vessel surveillance capsule withdrawal schedule contained in Table 4.2-1, as well as the associated discussion in the Bases section, and would include the appropriate discussion in the Bases section for the heatup and cooldown limits in the Technical Specifications for both Surry units.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 13, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition

should specifically explain the reasons why intervention should be permitted with particular reference to the following factors (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow: (petitioner's name and

telephone number); (date Petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael W. Maupin, Esq., Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23185.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factor specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.14(d).

If a request for hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards considerations in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated January 29, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 7th day of April 1988.

For the Nuclear Regulatory Commission,

Herbert N. Berkow,
Director, Project Directorate H-2, Division of
Reactor Projects I/II, Office of Nuclear
Reactor Regulation.

[FR Doc. 88-8049 Filed 4-12-88; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Request for OMB Approval of Collection of Information; PBGC Annual Premium Payment Package

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of collection of information submitted for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") has requested approval by the Office of Management and Budget of a revised PBGC Annual Premium Payment

Package, including forms and instructions. This package will be used by pension plan administrators to make premium payments to the PBGC. The Pension Protection Act (Subtitle D of Title IX of the Omnibus Budget Reconciliation Act of 1987) establishes a new premium structure for single-employer plans, consisting of a flat rate per capita amount plus an additional amount based on the value of a plan's unfunded vested benefits. A revised Form 1 plus a new Schedule A to that form are needed to accommodate these statutory changes. The effect of this notice is to advise the public that the PBGC has requested OMB approval of the revised Annual Premium Payment Package and that, for the reasons set forth below, the PBGC has requested expedited consideration by OMB.

ADDRESSES: All written comments (at least three copies) should be addressed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, DC 20503, with a copy to the Pension Benefit Guaranty Corporation, Office of the General Counsel (Code 22500), 2020 K Street NW., Washington, DC 20006. The request for approval will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street, NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel (Code 22500), 2020 K Street, NW., Washington, DC 20006; telephone 202-778-8851 (202-778-8859 for TTY and TDD) (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. Chapter 35) establishes policies and procedures for controlling the paperwork burdens imposed by Federal agencies on the public. Under the provisions of the Act and its implementing regulations, agencies are required to submit information collection requests to the Office of Management and Budget for review and approval, and to publish a notice in the *Federal Register* notifying the public of the submission.

The Pension Benefit Guaranty Corporation ("PBGC") is required by sections 4006 and 4007 of the Employee Retirement Income Security Act of 1974 (ERISA) to collect premiums from pension plans covered under the termination insurance program that it

administers. Information to determine the amount of and record the payment of such premiums is necessary for the PBGC to fulfil that legal requirement. Premiums currently are paid with the filing of PBGC Form 1 and PBGC Form 1-ES, approved for use through December 31, 1990 (OMB No. 1212-0009).

The Pension Protection Act ("PPA") (Subtitle D of Title IX of the Omnibus Budget Reconciliation Act of 1987, Pub. L. No. 100-203, 101 Stat. 1330 (Dec. 22, 1987)) amended sections 4006 and 4007 of ERISA to establish a new premium structure for single-employer plans, consisting of a flat rate per capita amount (as under prior law) plus an additional variable rate amount based on the value of a plan's unfunded vested benefits ("UVB"). The statutory changes require revisions to the PBGC Form 1 and instructions and a new Schedule A to Form 1 that is used to calculate the variable rate portion of the premium.

This notice advises the public that the PBGC has requested OMB review and approval of the revised Annual Premium Payment Package, including Form 1 and Schedule A and Form 1-ES. This notice further advises the public that the PBGC has requested expedited consideration by OMB because of PPA is effective for plan years beginning in 1988 and the premium payment forms are urgently needed to facilitate the calculation and payment of the premium in compliance with the PPA.

The PBGC forms will be filed annually by administrators of plans covered by the PBGC termination insurance program. The forms will be used to determine the premium owed and to report and pay the premium to the PBGC, as required under ERISA sections 4006 and 4007. The PBGC estimates that the aggregate annual burden imposed on plan administrators in filing the PBGC forms is 116,527 hours and a total cost of \$17,497,050. The burden hours for filing Form 1-ES are estimated at 4,497, based on an estimated 8,994 filings (1,415 multiemployer and 7,579 single-employer), with a cost of \$674,550. The burden hours for filing Form 1 only or filing Form 1 with a simplified or no UVB calculation are estimated at 51,830, based on an estimated 103,660 filings (1,085 multiemployer and 102,575 single-employer), with a cost of \$7,774,500. The burden hours for Filing Form 1 with a complete UVB calculation are estimated at 60,200, based on an estimated 7,525 single-employer filings, with a cost of \$9,030,000.

Issued at Washington, DC, this 7th day of April, 1988.

Joseph A. Vasquez, Jr.,
Acting Executive Director, Pension Benefit
Guaranty Corporation.

[FR Doc. 88-8106 Filed 4-12-88; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 25549; File No. SR-PSE-88-01]

Self-Regulatory Organizations; Pacific Stock Exchange, Relating to the Constitution and the Certificate of Incorporation

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 7, 1988, the Pacific Stock Exchange Incorporated ("PSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange pursuant to Rule 19(b)-4 of the Act, hereby proposes the following changes to the Certificate of Incorporation and the articles of the constitution of the PSE:

Certificate of Incorporation, Ninth Article

Ninth. The Corporation may provide indemnification for members of its Board of Governors and of committees of the Board of Governors and of other committees of the Corporation, its officers, agents and employees, and those serving another corporation, partnership, joint venture, trust or other enterprise at the request of the Corporation, within the limits permitted by Delaware law, to safeguard such persons from expense and liability for actions they take in any such capacity in good faith in furtherance of, or without belief that such actions are opposed to, the best interests of the Corporation and its members. *To the fullest extent permitted by Delaware law, or any other applicable laws, the members of the Board of Governors shall not be liable to the Corporation or its members for monetary damages for breach of fiduciary duty as a Governor.*

Constitution

Article II, Section 7

[Transition Provision]

[Sec. 7. At the first annual meeting following the effectiveness of the amendments to the Constitution approved at the Special Meeting on October 17, 1979 ("1979 Amendments"), a Vice Chairman elect shall be elected to serve for a term of one year from the date of election and until his successor is elected and qualified. If the 1979 Amendments become effective before the Annual Meeting in 1980, until such time as the position of Chairman is filled or until the 1980 Annual Meeting, whichever is earlier, the person who is presently Chairman would retain the title of Chairman, and would perform the duties of Chairman, as such duties were constituted prior to the effectiveness of the 1979 Amendments, and the person who is presently Vice Chairman would retain the title of Vice Chairman and would perform the duties of Vice Chairman as those duties were constituted prior to the effectiveness of the 1979 Amendments, but at such time as the position of Chairman is filled the person who is presently Chairman would be Vice Chairman, with the duties of that office as provided in the 1979 Amendments, and such person would become Vice Chairman at the 1980 Annual Meeting. If the 1979 Amendments become effective after the 1980 Annual Meeting and the position of Chairman has not yet been filled, until such time as the position of Chairman is filled the Vice Chairman (who, after the 1980 Annual Meeting, would be the person who is presently Vice Chairman) would have the title of Chairman and would perform the duties of Chairman, as such duties were constituted prior to the effectiveness of the 1979 Amendments, but at such time as the position of Chairman is filled the titles and duties of the Vice Chairman and Vice Chairman elect would be as provided in the 1979 Amendments. Until the position of Chairman is filled the President will be the Chief Executive Officer as well as the Chief Operating Officer.]

Article V, Section I

Number of Memberships

Sec. 1. The number of authorized memberships in the Exchange shall [be 516] not exceed 552. * * * (No change is proposed with respect to the remainder of this section).

Article VI, Section 2

Application for Membership & Election

Sec. 2. Application for membership in the Exchange must be made in accordance with [the rules] *Rule IX* of the Board of Governors. [After the Board of Governors of the Exchange has cleared the applicant for membership.] *Upon approval*, the name of the applicant shall forthwith be posted with all members of the Exchange for a period of ten days.

Article VII, Section 4

Payment Purchase Price

Sec. 4. [At least four days prior] *Prior* to the effective date of admission to membership of the transferee, any purchase price being paid for such transfer shall be paid to the Exchange. * * * (No change is proposed for the remainder of this section.)

Article VIII, Section 4

Exchange Membership Asset of Firm

Sec. 4. The membership of every member of the Exchange who has conferred his membership privileges on any firm shall be deemed to be an asset of such firm *only* to the extent necessary to protect [its creditors, subject to the provisions of] *claimants under Article VII* as to the disposition of such proceeds.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspect of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of each of the proposed rule changes is as follows:

1. Certificate of Incorporation, *Ninth Article*

This proposed amendment is based on a change in Delaware law (the PSE is incorporated under the laws of the state of Delaware). Delaware Corporations Code, section 102(b)(7), (added 1986), states that a Certificate of Incorporation may include a provision eliminating or

limiting a director's personal liability to the corporation for monetary damages for breach of fiduciary duty as a director. Many Boards of Delaware Corporations have adopted similar provisions in 1987. The new law:

(a) does *not* permit the elimination or limitation of a director's liability for breach of its duty of loyalty, for acts or omissions not in good faith, for intentional misconduct, or for any transaction from which the director derived an improper personal benefit.

(b) does *not* eliminate the fiduciary duty, it merely prevents the imposition of monetary damages in the event of breach. Other legal remedies such as rescission and injunction remain available.

(c) applies to a breach of fiduciary duty (standard of care) only, and does not extend to other duties owed by the directors to the Corporation (standard of loyalty).¹

2. PSE Constitution, Article II, Section 7, Transition Provision

This provision was added as part of the constitutional amendments in 1979. Its purpose was to provide that there would be a Chairman and Vice Chairman at all times whether the 1979 amendments became effective prior to or subsequent to the 1980 annual meeting.

This section is now obsolete and the Exchange membership has voted to delete the section entirely.

3. Article V, Section 1, *Number of Memberships*

In April 1987, the creation of 36 additional members via a rights offering was approved by the SEC after approval by the PSE Board and members. The amendment will reflect this increase in the number of memberships.

4. Article VI, Section 2, *Application for Membership and Election*

The purpose of this change is to provide reference to Rule IX which contains a more detailed description of procedures for eligibility, application, and approval for membership.

¹ The Commission requests commentators to address the question of whether, as a matter of public policy or law, it is appropriate for a corporation operating as a national securities exchange with substantial self-regulatory responsibilities under the federal securities laws to adopt a provision that would completely exempt members of the PSE's Board of Governors from monetary liability to the corporation or its members for breach of fiduciary duty, including situations where the breach constitutes gross negligence.

5. Article VII, Section 6, *Payment Purchase Price*

Currently, admission to membership is effective almost immediately after payment of the purchase price. Deleting the first four words of this sections "at least four days prior" more accurately reflects that current practice. Holding admission up for four days after payment is no longer required.

6. Article VIII, Section 4, *Exchange Membership Asset of Firm*

Under this section, as it now stands, confusion is created by the use of the word "asset". Questions arise as to whether a member may use its membership as collateral, or whether a lien by one other than a member may be placed on a membership.

This is the only section that refers to membership as an asset. Throughout the constitution and the rules, membership is referred to as a privilege that creates no vested rights in the member. Because membership is only a privilege, revocable at will by the PSE, it is not personal property and cannot be subject to an external lien, nor used as collateral.

The proposed change will clarify that the use of membership as an "asset" refers only to claims arising under Article VII. It is believed that this change reflects the true intent of the section.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule changes impose a burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

The proposed rule changes were sent to each member and approved by over a 2/3 majority vote of the general membership at the annual meeting on January 28, 1988.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the *Federal Register* or within such longer period, (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes; or

(B) Institute proceedings to determine whether the proposed rule changes or any rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 55, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR-PSE-88-01 and should be submitted within May 4, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 6, 1988.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-8085 Filed 4-12-88; 8:45 am]
BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

April 6, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

AAR Corporation
Common Stock, \$1.00 Par Value (File No. 7-3181)
Armtek Corporation
Common Stock, \$1.00 Par Value (File No. 7-3182)
Best Buy Co., Inc.
Common Stock, \$1.00 Par Value (File No. 7-3183)
Beverly Investment Properties
Common Stock, \$1.00 Par Value (File No. 7-3184)
BRT Realty Trust

Shares of Beneficial Interest, \$3.00 Par Value (File No. 7-3185)
DCNY Corporation
Common Stock, \$.50 Par Value (File No. 7-3186)
Eldon Industries, Inc.
Common Stock, \$.01 Value (File No. 7-3187)
Furr/Bishops' Cafeterias
Common Stock, No Par Value (File No. 7-3188)
Gallagher (Arthur J.) & Co.
Common Stock, \$1.00 Par Value (File No. 7-3189)
Hotel Investor Trust
Shares of Beneficial Interest, \$1.00 Par Value (File No. 7-3190)
Hunt Manufacturing Co.
Common Stock, \$.10 Par Value (File No. 7-3191)
Lea-Ronal, Inc.
Common Stock, \$1.00 Par Value (File No. 7-3192)
Lomas Mortgage Co.
Common Stock, \$.01 Par Value (File No. 7-3193)
Montedison
American Depository Shares (File No. 7-3194)
Munsingwear Inc.
Common Stock, \$1.00 Par Value (File No. 7-3195)
New Plan Realty Trust
Shares of Beneficial Interest, No Par Value (File No. 7-3196)
Nuveen CA Municipal Value Fund
Common Stock, \$1.00 Par Value (File No. 7-3197)
Progressive Corporation (Ohio)
Common Stock, \$1.00 Par Value (File No. 3198)
Strategic Mortgage Investors, Inc.
Common Stock, \$.01 Par Value (File No. 7-3199)
Sun Distributors, L.P.
Common Stock, No Par Value (File No. 7-3200)
Sun Energy Partners
Common Stock, No Par Value (File No. 7-3201)
Wallace Computer Services, Inc.
Common Stock, \$1.00 Par Value (File No. 7-3202)
Weingarten Realty Inc.
Common Stock, \$.03 Par Value (File No. 7-3203)
Weis Markets Inc.
Common Stock, No Par Value (File No. 7-3204)
USAcas, L.P.
Common Stock, \$.10 Par Value (File No. 7-3205)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 27, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-8018 Filed 4-12-88; 8:45 am]
BILLING CODE 8010-01-M

**Self-Regulatory Organizations;
Applications for Unlisted Trading
Privileges and of Opportunity for
Hearing; Midwest Stock Exchange, Inc.**

April 6, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

MGI Properties

Common Stock, \$1.00 Par Value (File No. 7-3175)

EMC Corporation

Common Stock, \$.01 Par Value (File No. 7-3176)

Colonial Government Trust

Shares of Beneficial Interest, No Par Value (File No. 7-3177)

Oppenheimer Multi-Sector Income Trust

Shares of Beneficial Interest, \$.01 Par Value (File No. 7-3178)

Daniel Industries, Inc.

Common Stock, \$1.25 Par Value (File No. 7-3179)

Equimark Corporation

Common Stock, \$1.00 Par Value (File No. 7-3180)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 27, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make

written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

FR Doc. 88-8017 Filed 4-12-88; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 35-24619]

**Filings Under the Public Utility Holding
Company Act of 1935 ("Act")**

April 7, 1988.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 2, 1988 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Kentucky Power Company (70-7496)

Kentucky Power Company ("KPCo"), 1701 Central Avenue, P.O. Box 1428, Ashland, Kentucky 41101, a subsidiary of American Electric Power Company,

Inc., a registered holding company, has filed a declaration pursuant to sections 6(a) and 7 of the Act and Rules 50(a)(2) and (5) thereunder.

KPCo proposes to issue and sell, from time to time through December 31, 1989, up to \$75 million principal amount of unsecured promissory notes with a maturity of not less than two years nor more than ten years ("Notes") to one or more commercial banks or other financial institutions pursuant to a proposed term loan agreement. The term loan agreement would provide that the Notes bear interest at a fixed rate per annum, not to exceed 250 basis points above the yield to maturity of United States Treasury obligations of comparable maturity at the time of issuance of the Notes. A placement fee or not more than 0.5% of the principal amount borrowed may be incurred. In the event such a placement fee is incurred, KPCo requests that the Commission authorize an exception from the competitive bidding requirements of Rule 50(b) pursuant to Rule 50(a)(5).

Any proceeds realized from the sale of the Notes will be used to refinance borrowings under KPCo's Revolving Credit Agreement, to repay unsecured short-term indebtedness of KPCo at or prior to maturity and for other corporate purposes.

**Holyoke Water Power Company, et al.
(70-7495)**

Holyoke Water Power Company ("HWP"), One Canal Street, Holyoke, Massachusetts 01040, a subsidiary of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

HWP proposes to refinance the outstanding portion of the \$12 million City of Holyoke, Massachusetts Collateralized Pollution Control Revenue Bonds ("1981 Bonds"), the proceeds of which were used by HWP to pay certain costs of acquiring, constructing, and installing certain pollution control facilities at HWP's Mt. Tom Station. The City of Holyoke, Massachusetts, acting by and through its Industrial Development Financing Authority ("Issuer") will issue pollution control revenue bonds ("Bonds") in the principal amount of not more than \$8 million to provide funds for the refinancing. The Bonds will be issued under a Trust Agreement between the Issuer and a trustee named therein. Pursuant to a Loan Agreement between HWP and the Issuer, the Issuer will loan the proceeds of the Bonds to HWP.

HWP will agree to make payments corresponding to the amounts needed to pay the principal of, premium, if any, and interest on, the Bonds as they become due. The Bonds will be issued with variable interest rates as floating rate demand bonds and will mature in not more than twenty years. At the option of HWP, the interest rate on the Bonds may be converted to a fixed interest rate. In no event will the interest rate on the Bonds exceed 15% per annum. Prior to fixing rates, the Bonds may be tendered for payment by holders on seven days' notice. If the Bonds cannot be remarketed, the Trustee may draw upon an irrevocable letter of credit issued by a bank to pay tendering bondholders. HWP will be required to pay a redemption premium equal to 0.5% of the principal amount of the 1981 Bonds redeemed.

HWP has requested an exception from the competitive bidding requirements of Rule 50(b) under Rule (a)(5) in order that it may begin negotiations with potential underwriters of the Bonds. They may do so.

Noverco Inc. et al. (70-7383; 31-823)

Noverco Inc. ("Noverco"), 1170 Peel Street, Suite 410, Montreal, Quebec H3B 4P2, Canada, has filed an amended application pursuant to sections 9(a) and 10 of the Act to acquire certain securities and an application for exemption pursuant to section 3(a)(5) of the Act. The two matters have been consolidated.

Noverco is a Canadian public-utility holding company and is exempt from the Act by virtue of having filed an application for exemption pursuant to section 3(a)(5) on June 24, 1987. It is a publicly held corporation with 51,933,615 shares of capital stock outstanding at September 30, 1987. Noverco has not issued or sold its capital stock or any other of its securities in the United States, nor is its stock publicly traded in the United States.

2425-4526 Quebec Inc., a Quebec corporation, and SOQUIP, a Quebec joint stock company created by statute whose sole shareholder is the Quebec Government, respectively own 19.88% and 15.36% of the common stock of Noverco. Caisse de depot et placement due Quebec, a Quebec corporation created by statute and an agent of the Quebec Government, owns 2.38% of the common stock of Noverco and exercises the voting rights attached to an additional 13.21% of such stock. These three companies are claiming exemption from the Act pursuant to Rule 10(a)(4) based upon Noverco's pending application for exemption. They have

joined in Noverco's application under sections 9(a) and 10 of the Act.

Noverco's principal subsidiary, wholly owned, is Gaz Metropolitain, Inc. ("GMI"), a Quebec corporation that distributes natural gas in Quebec, including Montreal. In fiscal year 1987, GMI accounted for about 95% of Noverco's consolidated revenues of approximately \$743 (U.S.) million. Noverco's consolidated assets at year-end were about \$1 (U.S.) billion, and net property, plant, and equipment totaled about \$697 (U.S.) million. Noverco has certain nonutility subsidiary companies doing business in Canada.

Noverco proposes to acquire the outstanding common stock of Northern New England Gas Corporation ("NNEG"), a Vermont corporation which owns the outstanding common stock of Vermont Gas System, Inc. (VGS"), a gas utility company and a Vermont corporation. VGS provides gas distribution service to communities in the northwest part of Vermont, including the greater Burlington area. It currently owns and operates 55 miles of transmission mains, extending from the Canadian border at Phillipsburg, Quebec/Highgate Springs, Vermont, to Burlington, and 266 miles of distribution lines. It holds an exclusive franchise to provide natural gas throughout the entire state of Vermont. Its exclusive supplier is TransCanada Pipelines, Ltd., which also is the major supplier of GMI. For the fiscal year 1987, VGS' utility revenues were about \$24.3 million, its total assets at year-end were about \$24.6 million, and its net utility plant was about \$17.2 million.

VGS has outstanding 100 shares of common stock, \$1 par value, all owned, by NNEG, which was organized in 1983 to acquire the VGS common stock. The VGS acquisition was financed by loans of \$12 million to NNEG and by the sale of 5,000 shares of its common stock, \$1 par value, to Energy Future Limited Partnership ("EFLP"), a Vermont limited partnership, for \$750,000. Both NNEG and EFLP are exempt intrastate holding companies under section 3(a)(1) of the Act in accordance with Rule 2 under the Act. The limited partnership interests in EFLP constitute 99% of the partnership interests of EFLP. On December 30, 1986, the limited partnership interests were acquired by Noverco from its owners for \$10,395,000. It is proposed that upon the contemplated dissolution of EFLP and upon payment of \$105,000 to the general partner for his interest, Noverco will acquire and own directly the common stock of NNEG. Noverco has filed an amendment to its application for an order of exemption under section 3(a)(5)

as a holding company over NNEG and VGS.

Eastern Edison Company (70-7373)

Eastern Edison Company ("Eastern Edison"), 110 Mulberry Street, Brockton, Massachusetts 02043, a wholly owned electric utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed a post-effective amendment to its application under sections 6(b), 9(a) and 10 of the Act and Rules 42(a) and 50 thereunder.

By an order dated June 12, 1987 (HCAR No. 24411) Eastern Edison was authorized to issue and sell, in one or more series, from time to time through April 30, 1988, by competitive bidding not more than \$100 million aggregate principal amount of first mortgage and collateral trust bonds ("New Bonds"). The maturity date for each series of bonds will be from five to thirty years from the first day of the month of issuance.

Eastern Edison has requested that the time during which it is authorized to issue the New Bonds be extended through the period ending May 31, 1988.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-8088 Filed 4-12-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 88-4-27; Docket No. 44445]

Intra-Alaska Bush Service Mail Rates Investigation

AGENCY: Department of Transportation.

ACTION: Notice of order proposing new final bush service mail rates.

SUMMARY: The Department of Transportation is advising all interested persons that we are proposing new final Intra-Alaska bush service mail rates to be effective on the service date of the order. The order also proposes to make final on the service date of the order those temporary mail rates which have been in effect since October 29, 1986.

DATES: Notices of objection will be due April 28, 1988, and should be filed in Docket 44445. Objections should be addressed to the Documentary Services Division, Department of Transportation, 400 7th Street SW., Washington, DC 20590 and should be served on the

parties listed in Appendix D to the order.

FOR FURTHER INFORMATION CONTACT:

James E. Gardner, Fares and Rates Division, Department of Transportation, 400 7th Street SW, Washington, DC 20590, (202) 366-2438.

Dated: April 7, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88-8050 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Approval of Noise Compatibility Program; Memphis, International Airport, Memphis, TN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Memphis-Shelby County Airport Authority (MSCAA) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96-52 (1980). On September 10, 1987, the FAA determined that the noise exposure maps submitted by MSCAA under Part 150 were in compliance with applicable requirements. On February 20, 1988, the Administrator approved the Memphis International Airport noise compatibility program. Some of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Memphis International Airport noise compatibility program is February 20, 1988.

FOR FURTHER INFORMATION CONTACT:

Otis T. Welch, Principal Planner/Programmer; Airports District Office; 3973 Knight Arnold Road, Suite 105; Memphis, Tennessee 38118-3004; telephone number 901/521-3495.

Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Memphis International Airport, effective date February 20, 1988.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously

submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

- The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;
- Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;
- Program measures would not create an undue burden on interstate of foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and
- Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to the FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental

assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Memphis, Tennessee.

The MSCAA submitted to the FAA on September 29, 1986, noise exposure maps, descriptions and other documentation produced during the noise compatibility planning study conducted from July 1984 to September 1986. The Memphis International Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on September 10, 1987. Notice of this determination was published in the *Federal Register* on September 24, 1987.

The Memphis International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to beyond the year 1990. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on September 10, 1987, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained twenty-six proposed actions for noise mitigation on and off the airport, as applicable. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective February 20, 1988.

Approval was granted for seven of the specific program elements. No approval was taken on nineteen of the program elements, because additional study was indicated by the Airport Authority. The approved actions are summarized as:

Noise Abatement Action #4, The Authority and FAA Tower should continue to restrict nighttime departures to the east on runway 9-27, maximize nighttime departures to the south on 18L-36R.

Noise Abatement Action #5, The Authority and FAA Tower should continue to use noise abatement departures flight tracks to the south.

Noise Abatement Action #10, The Authority should establish a noise compatibility staff.

Noise Mitigation Action #11, The Authority should establish a noise compatibility committee.

Noise Mitigation Action #1, The Authority should acquire property developed in residential or other incompatible uses.

Noise Mitigation Action #7, The Authority should consider acquiring undeveloped property to use as a noise buffer.

Noise Mitigation Action #8, The Authority should consider purchasing development rights on undeveloped property.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on February 20, 1988. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Memphis-Shelby County Airport Authority.

Issued in Memphis, Tennessee, March 9, 1988.

John M. Dempsey,
Manager, Memphis Airport District Office.

[FR Doc. 88-7994 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 147 (25th Meeting), Traffic Alert and Collision Avoidance System; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert and Collision Avoidance System to be held on May 3-5, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of minutes of the twenty-fourth meeting held on February 9-11, 1988; (3) TCAS Program status reports; (4) Reports on TCAS III activities; (5) Reports on TCAS Technical Studies; (6) Discussion of SC-147 plans and schedule; (7) TCAS II Logic Working Group Meeting in separate session; (8) Other business; (9) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW, Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 6, 1988.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 88-7995 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 156 (18th Meeting), Potential Interference to Aircraft Electronic Equipment from Devices Carried Aboard; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of RTCA Special Committee 156 on Potential Interference to Aircraft Electronic Equipment from Devices Carried Aboard to be held on May 10-11, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of the minutes of the 17th meeting minutes; (3) Review of task assignments identified at last meeting; (4) Review of 6th draft of the Vol I and first draft of Vol II of the committee report; (5) Other business; (6) Task assignments; and (7) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 6, 1988.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 88-7996 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition; Thomas E. Wirth

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

In September 1986, Senator (then Representative) Timothy E. Wirth petitioned NHTSA to undertake rulemaking and other actions relating to motor vehicle rollover resistance. The rulemaking petition asked the agency to initiate rulemaking to establish a Federal motor vehicle safety standard to limit the rollover propensity of passenger cars, utility vehicles and pickup trucks by requiring that those vehicles have a minimum "stability factor" (defined in the petition as one-half of a vehicle's track width divided by the height of the vehicle's center of gravity). Senator Wirth also petitioned NHTSA to open a defect investigation of existing passenger cars, utility vehicles and pickup trucks whose stability factor is lower than the minimum suggested in his petition for rulemaking on the same subject. On December 29, 1987, NHTSA published in the Federal Register its denial of the part of Senator Wirth's petition that requested a rulemaking action, but the agency stated that it would continue its research activities regarding the rollover tendencies of utility vehicles and that it would also continue its efforts to inform drivers of utility vehicles of the special handling characteristics of these vehicles. 52 FR 49033 (Dec. 29, 1987).

The agency now denies the petition for a defect investigation. Because the petition asks the agency to investigate and order the recall of *all* passenger automobiles, utility vehicles and pickup trucks that have a specified design characteristic, granting the petition would have the effect of rulemaking without the required notice and opportunity for public comment. A commitment to investigate all vehicles which do not meet specified design criteria potentially establishes those criteria as a safety standard of general applicability to all vehicles, but does not follow the statutory procedures and guidelines for setting such standards as specified by section 103 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1394. Moreover, a recall order to the manufacturers of all those vehicles could be regarded as a retroactive application of such a standard. The

agency views its defect investigative authority under the Safety Act as limited to a case by case investigative process. Recall orders resulting from this investigative authority have no effect on vehicles other than those that are the subjects of these investigations, and they do not result in prospective standards of general applicability.

NHTSA also denies the petition because it cannot justify the substantial resources which would be needed to conduct an investigation of the scope and complexity that would be required to develop evidence sufficient to determine whether the vehicles covered by the petition contain a safety-related defect within the meaning of the Safety Act. The agency has in the past devoted considerable resources to investigating alleged rollover instability in Jeep CJ-5's and CJ-7's, many of which are also the subject of this petition, as well as allegations that the rollbars installed in some of the Jeep CJ's as a means of occupant protection were defective. In the course of these examinations of the problem, NHTSA conducted its own vehicle testing and analyzed a large body of data including accident data and other tests of these vehicles. However, NHTSA was unable to conclude that either the Jeep CJ vehicles or the rollbars installed thereon contained a safety-related defect within the meaning of the Act, largely because the information available did not show that the accidents were caused by a defect in the vehicle rather than by driver and/or environmental factors. Resolution of such issues in the extremely broad investigation sought by this petition would require the agency to make resource commitments that might impede other more viable investigations.

The information submitted in support of the present petition does not support a finding of reasonable possibility that a new investigation would result in a recall order. 49 CFR 552.8. To support a determination that vehicles contain a safety-related defect, the Act requires that NHTSA be able to prove that a *defect in the vehicle* or vehicle equipment is the cause of an unreasonable risk to safety. The Act defines "defect" as "any defect in performance, construction, components or materials in motor vehicles or motor vehicle equipment." 15 U.S.C. 1391(1) (emphasis added). It defines "motor vehicle safety" as "the performance of motor vehicles * * * in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design construction or performance of motor vehicles * * *." 15 U.S.C. 1391(1) (emphasis added).

After reviewing the analysis attached to Senator Wirth's petition, prepared by Leon S. Robertson and A. Benjamin Kelley, NHTSA has concluded that the analysis does not provide a sufficient basis for believing that further investigation of this matter will enable it to identify a safety-related defect within these statutory definitions that affects all vehicles having some predetermined stability factor.

The Robertson-Kelley analysis purports to show that the cause of the subject vehicles' apparent disproportionate involvement in single-vehicle rollover-initiated fatal crashes is the low "stability factor" of these vehicles. Its conclusion depends heavily on a statistical regression analysis which compares the stability factor for each vehicle in the study to a calculated percentage of all crashes reported in the NHTSA Fatal Accident Reporting System (FARS) for the same vehicle that included reports of rollover. Among the vehicles in the study, there was a high correlation between the stability factor and the percentage of crashes that involve rollovers. The analysis then attempts to show that the involvement of factors extrinsic to the vehicle (such as driver age, alcohol involvement, road conditions, etc.) does not significantly affect the correlation between the stability factor and the percentage of fatal crashes that involve rollovers.

The agency presented a discussion of the limitations of the Robertson-Kelley statistical analysis in its notice of denial of the petition for rulemaking, and this discussion also applies to the issues presented by the petition for a defect investigation. In addition to the reasons cited by the agency in the rulemaking petition denial for its reservations concerning the predictive value of the stability factor, the agency must always exercise great caution in the use of police reported accident statistics in defects cases. This is so because these statistics are heavily influenced by driver and environmental causes that tend to obscure vehicle causes. The Robertson-Kelley regression analysis does not necessarily overcome this difficulty with such data.

The Robertson-Kelley regression analysis appears to show that some driver and environment characteristics are no more likely to contribute to the rate of rollover incidents occurring among crashes in vehicles with low stability factors than they contribute to the rate of such occurrences in other vehicles. This does not, however, prove that these factors were not present in the crashes involving the low stability factor vehicles; and it does not eliminate

such factors as primary causes of a substantial number of the rollover-initiated crashes in which those vehicles are involved. To the contrary, crash data available to NHTSA show that driver behavior and the driving environment generally predominate over vehicle defects by an overwhelming margin as the cause of crashes. In particular, an agency analysis of rollover accident data from the Fatal Accident Reporting System files for 1975-80, done as part of its earlier examination of alleged defects causing rollover in CJ-5 vehicles, showed that over 80 percent of fatal rollover accidents involving those vehicles also involved one or more of the following kinds of driver behavior: Excessive speed, reckless driving, alcohol, drugs and/or sleep. It is also significant that the Robertson-Kelley analysis includes driver characteristics such as prior conviction, sex and age, but does not include driver behavior during the crash sequence that might be expected to contribute to the incident, such as speed and last maneuver before the crash.

In addition to driver and environmental factors, vehicle conditions outside the manufacturers' responsibility may also have contributed to some of the reported rollover accidents. In the agency's earlier examination of the problem, it found evidence that some rollover accidents may have been caused in part by owner-installed modifications, such as oversized tires and modified suspensions to raise the vehicles' bodies, that could have aggravated a vehicle's rollover tendency. The Robertson-Kelley report does not take this factor into account at all in its analysis.

When it denied that part of this petition that requested a rulemaking action, the agency noted that in its 1987 report to Congress on "Light Truck and Van Safety," it had observed a significantly higher rate of rollover crashes among pickup trucks and multipurpose passenger vehicles than among passenger cars, and it described its research activities regarding this problem as well as the crashworthiness of open-bodied multipurpose passenger vehicles. However, the rulemaking petition denial went on to say that, while the agency recognized this problem of higher rollover rate in these vehicles, the stability factor analysis was not a sound basis for rulemaking because of the presence of other vehicle factors in the rollover phenomenon, the lack of predictiveness of the stability factor for vehicle rollover involvement, and statutory limitations that may

preclude standards that have the effect of eliminating classes of motor vehicles. See 52 FR 49037 (December 29, 1987).

Similarly, the stability factor distinction does not appear to be an appropriate method of conducting a defect investigation analysis, apart from the difficulty, cited above, that such an approach may have the effect of potentially establishing a standard of general applicability without notice and comment. In its defect investigation process, the agency usually gathers evidence that may indicate that a significant number of failures posing an unreasonable risk to safety have occurred or are likely to occur in a group of vehicles, usually a model or vehicle line made by the same manufacturer. The agency must then consider whether such failures may have been caused by unforeseeable owner abuse, which can be a defense to an order requiring a manufacturer to conduct a recall. See *United States v. General Motors Corp. (Wheels)*, 518 F. 2d 420 (D.C. Cir. 1975). Assuming that there were a high rollover rate among some vehicles which also have low stability factors, this might appear to be evidence of significant numbers of failures. However, the presence of driver and environmental factors among the cause of the rollover incidents raises not only the issue of whether these incidents are in fact vehicle failures, but also the question of whether they may in any event be caused by unforeseeable owner abuse.

In denying this petition, the agency does not decide that all of the kinds of driver behavior or driving environmental conditions that appear to contribute to rollover crashes in low stability factor vehicles may be regarded as unforeseeable owner abuse, as that term was used by the court in the *Wheels* case. However, the agency finds that the defect investigation that Senator Wirth has requested would require a resolution of the issue of owner abuse, and that the analysis of accident statistics contained in the Robertson-Kelly report and in other analyses performed by agency personnel would not provide enough information for such a resolution. Based on its past examinations of this matter, NHTSA has learned that the principal sources of information about rollover crashes (such as FARS, police-reported accident data and products liability litigation) often do not contain all of the information about the driver, environmental and vehicle factors involved in a crash that is needed to make a sound judgment on this question. Moreover, NHTSA's file owner reports (on which the agency relies as a major

source of information identifying possible safety-related defects) does not contain a body of complaints or reports describing significant numbers of rollover crashes for vehicles that have stability factors below the threshold suggested by the petition and occurring in normal driving conditions. In the absence of such a body of evidence the agency is unable to predict what steps would be sufficient to produce evidence that would allow it to resolve this issue.

Despite the fact that the petition does not provide a basis for deciding that there is a reasonable possibility that further investigation would result in an order requiring manufacturers to recall all passenger and utility vehicles and light trucks with stability factors below a specified level to provide improved occupant protection in rollover accidents, it does point out the usefulness of disseminating information about safe operation of utility vehicles. The agency believes that the safety of drivers and occupants of these vehicles can be enhanced by making available information about special precautions that drivers should take because of the lower stability and different handling characteristics of utility vehicles, the additional hazards posed by modifications that further reduce stability (such as use of over-size tires), and the occupant protection benefits of rollbars and rollcages. NHTSA has therefore prepared and issued a consumer information pamphlet on these subjects.

Accordingly, NHTSA denies Senator Wirth's petition for a defect investigation, but has issued the consumer pamphlet described above.

Authority: Sec. 124, Pub. L. 93-492; 88 Stat. 1470 (15 U.S.C. 1410a; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on April 6, 1988.

George L. Parker,

Associate Administrator for Enforcement.

[FR Doc. 88-8053 Filed 4-8-88; 4:09 pm]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier *Federal Register* publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes April 28, 1988.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Applica- tion No.	Applicant	Renewal of exem- tion
970-X.....	Callery Chemical Company, Pittsburgh, PA.	970
2462-X.....	ETI Explosives Technologies International Inc., Wilming- ton, DE.	2462
2462-X.....	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	2462
3187-X.....	PPG Industries, Incorporated, Pittsburgh, PA.	3187
3187-X.....	Silor Optical of Florida, Inc., St. Petersburg, FL.	3187
3216-X.....	Pennwalt Corporation, King of Prussia, PA.	3216
3216-X.....	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	3216
5232-X.....	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	5232
5704-X.....	IRECO, Incorporated, Salt Lake City, UT.	5704

Applica- tion No.	Applicant	Renewal of exemption	Applica- tion No.	Applicant	Renewal of exemption	Applica- tion No.	Applicant	Renewal of exemption
6016-X.....	Huber Supply Company, Mason City, IA.	6016	7700-X.....	U.S. Department of Agriculture, Forest Service, Washington, DC.	7700	9064-X.....	Corning Glass Works, Corning, NY (See Footnote 5).	9064
6016-X.....	Kentucky Airgas, Inc. d/b/a Southern Welding Supply, Bowling Green, KY.	6016	7891-X.....	Reliance Electric Company, Cleveland, OH.	7891	9166-X.....	Comptank, Corporation, Bothwell, Ontario, CN.	9166
6250-X.....	U.S. Department of Defense, Falls Church, VA.	6250	7971-X.....	Walter Kidde, Wilson, NC.....	7971	9172-X.....	CECOS International, Inc., Buffalo, NY.	9172
6263-X.....	Amtrac, Incorporated, West Warwick, RI (See Footnote 1).	6263	8009-X.....	CP Industries, Incorporated, McKeesport, PA (See Foot- note 2).	8009	9211-X.....	Maersk Line, Limited, Madison, NJ.	9211
6309-X.....	Insta-Foam Products, Inc., Joliet, IL.	6309	8016-X.....	U.S. Department of Agriculture, Forest Service, Washington, DC.	8016	9213-X.....	Bulk-Pack, Inc., West Monroe, LA.	9213
6418-X.....	J.R. Simplot Company, Pocatello, ID.	6418	8059-X.....	EFI Corporation, d/b/a EFIC, San Jose, CA.	8059	9222-X.....	Bryson Industrial Services, Inc., Lexington, SC.	9222
6543-X.....	Alrco, The BOC Group, Inc., Murray Hill, NJ.	6543	8091-X.....	Restor Communications, Inc., Florence, KY.	8091	9233-X.....	Occidental Chemical Corporation, Dallas TX.	9233
6556-X.....	Castle & Cooke, Inc., San Francisco, CA.	6556	8111-X.....	U.S. Department of Energy, Washington, DC.	8111	9245-X.....	Contico Container, Norwalk, CA.	9245
6610-X.....	Catalyst Resources, Inc., Elyria, OH.	6610	8125-X.....	Arbel-Fauvet-Rail, Paris, France.	8125	9262-X.....	Owen Oil Tools, Inc. Fort Worth, TX.	9262
6670-X.....	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6670	8127-X.....	Union Explosivos Rio Tinto, S.A., Madrid, Spain.	8127	9266-X.....	National Refrigerants, Inc., Radnor, PA.	9266
6670-X.....	Airco, The BOC Group, Inc., Murray Hill, NJ.	6670	8127-X.....	Hercules, Incorporated, Wil- mington, DE.	8127	9266-X.....	Eurotainer, S.A., Paris, France.	9266
6694-X.....	Eurotainer, S.A., Paris, France.	6694	8131-X.....	National Aeronautics and Space Administration, Washington, DC (See Foot- note 3).	8131	9388-X.....	Compagnie des Containers Reservoirs, Paris, France.	9388
6694-X.....	Compagnie des Containers Reservoirs, Paris, France.	6694	8141-X.....	Boeing Aerospace Company, Seattle, WA.	8141	9400-X.....	Gulf Central Storage & Termi- nal Company, Tulsa, OK.	9400
6694-X.....	Arbel-Fauvet-Rail, Paris, France.	6694	8168-X.....	Container Corporation of America, Wilmington, DE (See Footnote 4).	8168	9485-X.....	Poly Processing Company, Inc., Monroe, LA.	9485
6772-X.....	Thomas Gray & Associates, Inc., Orange, CA.	6772	8196-X.....	GCS Container Service, SA, Chiasso, Switzerland.	8196	9485-X.....	Chem-Tech, Limited, Des Moines, IA (See Footnote 6).	9485
6772-X.....	Monsanto Chemical Compa- ny, St. Louis, MO.	6772	8248-X.....	Cerametics, Inc., New York, NY.	8248	9549-X.....	Owen Oil Tools, Inc., Fort Worth, TX.	9549
6859-X.....	Pyronetics Devices, Incorpo- rated, Denver, CO.	6859	8248-X.....	C.M. China Trade, Inc., New York, NY.	8248	9595-X.....	IRECO, Incorporated, Salt Lake City, UT.	9595
6908-X.....	U.S. Department of Defense, Falls Church, VA.	6908	8248-X.....	China Metallurgical Import & Export Corporation, Shang- hai, China.	8248	9612-X.....	PPG Industries, Incorporated, Pittsburgh, PA.	9612
6927-X.....	Bromine Compounds, Limited, Beer-Sheva, Israel 84101.	6927	8337-X.....	Industrial & Municipal Engi- neering, Inc., Galva, IL.	8337	9617-X.....	Explosives Technologies International, Inc., Wilming- ton, DE.	9617
6932-X.....	Arbel-Fauvet-Rail, Paris, France.	6932	8426-X.....	Crosby & Overton, Inc., Long Beach, CA.	8426	9638-X.....	Allied-Signal Aerospace Com- pany, Tempe, AZ.	9638
6999-X.....	U.S. Department of Defense, Falls Church, VA.	6999	8436-X.....	Pennwalt Corporation, Buffa- lo, NY.	8436	9694-X.....	All Pure Chemical Company, Inc., Tracy, CA (See Foot- note 7).	9694
7024-X.....	Greenwood Motor Lines, Inc., Greenwood, SC.	7024	8445-X.....	McDonnell Douglas Corpora- tion, St. Louis, MO.	8445	9704-X.....	Western Atlas International (formerly Dresser), Hous- ton, TX (See Footnote 8).	9704
7024-X.....	Avondale Mills, Sylacauga, AL.	7024	8467-X.....	Compagnie des Containers Reservoirs, Paris, France.	8467	9761-X.....	Syston Doner, Safety Sys- tems Division, Concord, CA.	9761
7032-X.....	Polaroid Corporation, Need- ham Heights, MA.	7032	8582-X.....	Illinois Central Gulf Railroad Company, Chicago, IL.	8582	9791-X.....	Pressed Steel Tank Compa- ny, Inc., Milwaukee, WI (See Footnote 9).	9791
7052-X.....	General Electric Company, Philadelphia, PA.	7052	8582-X.....	Southern Pacific Transporta- tion Company, San Francis- co, CA.	8582	9851-X.....	Trans World Airlines, Inc., Kansas City, MO.	9851
7052-X.....	Priebe Electronics, Redmond, WA.	7052	8582-X.....	Chicago South Shore & South Bend Railroad Com- pany, Michigan City, IN.	8582	9851-X.....	Northwest Airlines, Incorpo- ration, St. Paul, MN.	9851
7052-X.....	Clifton Precision, Springfield, PA.	7052	8582-X.....	Chicago, Missouri & Western Railway Company, Michi- gan City, IN.	8582	9856-X.....	Shadyside Hospital Pitts- burgh, PA (See Footnote 10).	9856
7255-X.....	U.S. Department of Defense, Falls Church, VA.	7255	8582-X.....	Consolidated Rail Corpora- tion, Philadelphia, PA.	8582	9907-X.....	General Defense Corporation, York, PA.	9907
7259-X.....	FMC Corporation, Philadel- phia, PA.	7259	8674-X.....	Thermex Energy Corporation, Dallas, TX.	8674	9940-X.....	G.E. Reuter-Stokes, Twins- burg, OH (See Footnote 11).	9940
7259-X.....	Stauffer Chemical Company, Westport, CT.	7259	8706-X.....	Petro-Steel Division of Prairie State Equipment, Sioux Falls, SD.	8706			
7259-X.....	Monsanto Chemical Compa- ny, St. Louis, MO.	7259	8820-X.....	Arbel-Fauvet-Rail, St Laurent Blangy, France.	8820			
7259-X.....	Exxon Chemical Americas, Houston, TX.	7259	8822-X.....	Certified Tank Manufacturing, Inc., Compton, CA.	8822			
7275-X.....	Express Airways, Inc., San- ford, FL.	7275	8854-X.....	Arbel-Fauvet-Rail, Neuilly-Sur- Seine, France.	8854			
7285-X.....	Arbel-Fauvet-Rail, Paris, France.	7285	8862-X.....	ABERCO Inc., Seabrook, MD...	8862			
7544-X.....	Eastman Kodak Company, Rochester, NY.	7544	8932-X.....	Catalyst Resources, Inc., Elyria, OH.	8932			
7573-X.....	U.S. Department of Defesne, Falls Church, VA.	7573						
7640-X.....	Mauser Packaging, Limited, Litchfield, CT.	7640						

(1) To authorize non-DOT specification welded, cylindrical or spherical steel tanks with greater working pressures that are tested to greater pressures as additional packagings.

(2) To authorize an increase in the maximum hardness value from HB262 to HB269 for the exempted packaging when harness tested.

(3) To authorize a greater service life, from 5 years to 15 years, or a greater number of pressurizations, from 200 to 300, for the exempted packaging.

(4) To authorize an alternative type of closure for the exempted packaging.

(5) To authorize Titanium tetrachloride, classed as Corrosive material, as an additional material in the exempted composite packaging.

(6) To authorize an increase in total vapor pressure for mixtures shipped under the exemption, from 140 psig at 130 degrees F to 286 psig at 130 degrees F.

(7) To authorize an alternative value assembly for the exempted cargo tank.

(8) Identification of an additional packaging.

(9) To authorize a change in the Charpy impact test and in the wet magnetic particle method inspection required by the exemption.

(10) To reissue exemption originally issued on an emergency basis to authorize either specification or non-specification packagings (oxygen systems) for use by patients on board a passenger ship.

(11) To issue exemption originally issued on emergency basis to authorize shipment of non-DOT specification hermetically sealed electron tube devices containing certain nonflammable gases.

Application No.	Applicant	Parties to exemption
6614-P.....	Arco Industries, Inc., Milwaukee, WI.	6614
7052-P.....	Lockheed Aeronautical Systems Company.	7052
7052-P.....	Tracor Applied Sciences, Inc., Rockville, MD.	7052
7052-P.....	Tauber Electronics, Inc., San Diego, CA.	7052
7607-P.....	Hanson Engineers, Incorporated, Springfield, IL.	7607
8127-P.....	General Plastics & Chemical Company, Natick, MA.	8127
8308-P.....	American Courier Express Corporation, Miramar, FL.	8303
8445-P.....	Rhone-Poulenc AG Company, Research Triangle Park, NC.	8445
8451-P.....	The Potomac Edison Company, Hagerstown, MD.	8451
8489-P.....	Transnitro, Inc., Tampa, FL.	8489
8551-P.....	Parkem Industrial Service Incorporated, Gonzales, LA.	8551
8554-P.....	Geenen Explosives, Incorporated, Kaukauna, WI.	8554

Application No.	Applicant	Parties to exemption
8554-P.....	Ramac Explosives, of Pennsylvania, Incorporated, Allentown, PA.	8554
8582-P.....	Soo Line Railroad Company, Minneapolis, MN.	8582
9487-P.....	Chem-Tech, Limited, Des Moines, IA.	9487
9785-P.....	Independent Container Line Ltd., Richmond, VA.	9785
9833-P.....	Wacker Chemie, GmbH, Munich 22, West Germany, CT (See Footnote 1).	9833
9941-P.....	McDonnell Douglas Astronautics Company, Huntington, Beach, CA.	9941

¹ To authorize party status to the exemption and change water capacity from 4887 U.S. gallons to 4887 nominal U.S. gallons.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 7, 1988.

J. Suzanne Hedgepeth,
Chief, Exemptions Branch, Office of
Hazardous Materials Transportation.
[FR Doc. 88-8051 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessels, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes May 12, 1988.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) Affected	Nature of exemption thereof
9942-N.....	E.I. duPont de Nemours & Company, Wilmington, DE.....	49 CFR 172.101.....	To authorize shipment of nitrogen padded, unstabilized monochloroacetone with a proposed description of Poison liquid, n.o.s. classed as Poison B in DOT specification MC 312 cargo tanks. (mode 1)
9943-N.....	Nalco Chemical Company, Naperville, IL.....	49 CFR 173.32, Part 107, Subpart B, Appendix B.	To authorize loading and unloading of materials classified flammable liquid, combustible liquid and Corrosive material in portable tanks secured to a motor vehicle. (mode 1)
9944-N.....	Sotralentz, S.A., Drulingen, France, FR.....	49 CFR 173.119, 173.125, 173.245, 173.249, 173.249a, 173.250a, 173.256, 173.257, 173.262, 173.263, 173.264, 173.265, 173.266, 173.269, 173.272, 173.276, 173.277, 173.283, 173.287, 173.288, 173.289, 173.292, 173.297, 173.299a.	To authorize manufacture, marketing and sale of non-DOT specification polyethylene, wire-frame enclosed tank generally meeting DOT Specification 34 packaging requirements for the shipment of certain materials classed as Corrosive material, Oxidizer and Flammable liquid. (modes 1,2,3)
9945-N.....	Westfite, Inc., Houston, TX.....	49 CFR 171.11, 172.101, 172.204, 173.27, 175.3, 175.30, 175.320.	To authorize carriage of certain Class A, B and C explosives that are forbidden for transportation by air or are in quantities greater than prescribed for air transportation. (mode 4)
9946-N.....	Union Carbide—Linde Division, Danbury, CT.....	49 CFR 173.327.....	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (modes 1, 2, 3)
9947-N.....	Sonoco Products Company, Hartsville, SC.....	49 CFR 173.132.....	To authorize shipment of adhesives and cements, classed as flammable liquid, in non-DOT Specification acrylonitrile copolymer packagings. (modes 1, 2)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) Affected	Nature of exemption thereof
9948-N	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.124, 173.31(d)	To authorize shipment of Ethyl chloride classed as Flammable liquid, in DOT106A500 specification multi unit tank car tanks that require retesting. (mode 1)
9949-N	Olin Rocket Research Company, Redmond, WA	49 CFR 173.87	To authorize shipment of certain Class C explosives packed with packages of non-hazardous materials in the same outer container (mode 1)
9950-N	Pyrotechnics Devices, Inc., Denver, CO	49 CFR 173.302(a)(1), 173.34(d), 175.3	To authorize shipment of a specially designed device containing a nonflammable gas mixture and an actuating cartridge, explosive valve. (modes 1, 2, 3, 4)
9951-N	General Defense Corporation, York, PA	49 CFR 173.56(b)	To authorize shipment of Explosive projectile, Class A explosive, in a specially designed package (pallet top, skidded bottom configuration). (modes 1, 2)
9952-N	Greif Bros. Corporation, Springfield, NJ	49 CFR 173.131, Part 173	To authorize manufacture, making and sale of non-DOT Specification steel drums that generally meet the requirements for DOT Specification 37A steel drums except the covers are plastic, for the shipment of those materials authorized in DOT 37A drums. (modes 1, 2, 3)
9953-N	North Star Transport, Inc., Eagan, MN	49 CFR 173.834(L)(2)(i)	To authorize transport of packages containing materials classed as Flammable liquid or Flammable gas in temperature controlled vehicles. (mode 1)
9954-N	Cook Inlet Pipe Line Company, Dallas, TX	49 CFR 172.101, 175.3, 175.30	To authorize shipment of Hydrogen peroxide solution by cargo aircraft in DOT Specification 34 polyethylene drums. (mode 4)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53).

Issued in Washington, DC, on April 7, 1988.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 88-8052 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

[Docket No. 88-A]

Request for Public Interest Waiver of Buy America Requirements

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice; request for comments.

SUMMARY: The Urban Mass Transportation Administration (UMTA) is seeking comments on whether a public interest waiver to the "Buy America" requirements should be granted to permit the procurement of bus tires produced at several locations in Europe by Michelin Tire Corporation in order to allow increased competition in the bus tire supply industry.

DATE: Comments must be received by May 13, 1988.

ADDRESS: Comments should be submitted to UMTA Docket No. 88-A, Urban Mass Transportation Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590. All

comments and suggestions received will be available for examination at the above address between 9:00 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward J. Gill, Jr., Office of the Chief Counsel, Room 9316, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4063.

SUPPLEMENTARY INFORMATION: Section 165(a) of the Surface Transportation Assistance Act of 1982 (STAA) provides that Federal funds may not be obligated for the purchase of manufactured products unless such products are produced in the United States. Section 165(b)(1) of the STAA provides that the general requirements of section 165(a) may be waived in their application would be inconsistent with the public interest. The implementing regulations at 49 CFR 661.7(b) provide that "[i]n determining whether th[e] exception will be granted, [UMTA] will consider all appropriate factors on a case by case basis."

In the preamble to the "Buy America" regulations published in the *Federal Register* on September 15, 1983 (48 FR 41462), UMTA indicated that in certain circumstances in which a public interest waiver is sought under section 165(b)(1), the proposed waiver would be published in the *Federal Register* for comment. Such a procedure is not mandatory before a public interest waiver is granted, but UMTA uses the procedure where the public interest waiver involves important policy considerations or is controversial. It is UMTA's position

that these circumstances exist in this case.

On June 24, 1987, UMTA published a Notice (52 FR 23735) seeking comments on whether a "Buy America" waiver, authorized by section 165(b)(1) should be granted to permit the procurement of bus tires produced in Canada in order to allow increased competition in the bus tire supply industry. The waiver had been requested by Firestone Tire and Rubber Company.

In the June 24, 1987, Notice, UMTA also had indicated that Michelin Tire Corporation produced bus tires in Canada, and that UMTA was also considering granting a "public interest" waiver to Michelin. In its comments to the docket, dated August 12, 1987, Michelin indicated that it does not manufacture bus tires for urban or intra-city use in Canada. Michelin further indicated that it does manufacture such tires in several locations in Europe, and requested that UMTA consider granting a "Buy America" public interest waiver to permit the procurement of these tires. Since this request is substantially different than the original request submitted by Firestone, UMTA is publishing this Notice requesting comments on whether a "public interest" waiver should be granted to permit the procurement of tires produced in Europe by Michelin.

Michelin argues that if the "Buy America" requirements are applied to its bus tires manufactured in various locations in Europe, Michelin is effectively excluded from the U.S. marketplace. Michelin argues that

granting a waiver to permit the procurement of Michelin tires produced in Europe would foster competition in the marketplace, and increase the possibility of reduced prices for tires to the recipients of Federal grant funds. In addition, Michelin argues that such a waiver would allow UMTA grant recipients to take advantage of technological advances in the bus tire industry by being able to acquire radial tires as well as the traditional bias-ply tires manufactured in the United States by other companies.

Before determining whether a "public interest" waiver under section 165(b)(1) should be issued, UMTA is seeking public comment from all interested parties. Because the decision to grant or deny the waiver will have nationwide consequences, UMTA seeks to have all available information prior to rendering a decision.

Dated: April 8, 1988.

Edward J. Babbitt,
Chief Counsel.

[FR Doc. 88-8084 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-57-M

[Docket No. 87-A]

Withdrawal of Request for Public Interest Waiver of Buy America Requirements

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: In this Notice, the Urban Mass Transportation Administration (UMTA) announces that Firestone Tire and Rubber Company has withdrawn its request for a public interest waiver of the "Buy America" requirements applicable to the procurement of bus tires produced in Canada. Pursuant to the withdrawal, UMTA will not take any further action on the waiver request.

FOR FURTHER INFORMATION CONTACT: Edward J. Gill, Jr., Office of the Chief Counsel, Room 9316, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4063.

SUPPLEMENTARY INFORMATION: On June 24, 1987, the Urban Mass Transportation Administration (UMTA) published a Notice (52 FR 23735) seeking comments on whether a "Buy America" waiver, authorized by section 165(b)(1) of the Surface Transportation Assistance Act of 1982, should be granted to permit the procurement of bus tires produced in Canada in order to allow increased competition in the bus tire supply industry. The waiver had been requested by Firestone Tire and Rubber Company. Firestone Tire and Rubber

Company had argued that if the "Buy America" requirements of the Surface Transportation Assistance Act of 1982 were applied to its bus tires manufactured in Canada, Firestone would be effectively excluded from the U.S. marketplace.

Firestone submitted comments to the Docket on August 12, 1987, and informed UMTA that it had decided to close its tire plant in Hamilton, Ontario, Canada, and to transfer its bus tire production to a facility in Des Moines, Iowa. To facilitate this transfer, Firestone had sought a limited public interest waiver to allow the procurement of Firestone tires produced in Canada until January 31, 1988.

By letter, dated October 20, 1987, Firestone informed UMTA that the re-establishment of bus tire production at the Des Moines facility had proceeded to the point that Firestone could comply with the applicable "Buy America" requirements. Accordingly, Firestone requested that its petition of August 12, 1987, be withdrawn. In addition, since Firestone has indicated that it will comply with the "Buy America" requirements, UMTA will take no further action on the general "public interest" waiver for Firestone for which UMTA originally sought comments.

In the June 24, 1987, Notice, UMTA indicated that Michelin Tire Corporation also produced bus tires in Canada, and that UMTA was also considering granting a "public interest" waiver to Michelin. In its comments to the docket, dated August 12, 1987, Michelin indicated that it does not manufacture bus tires for urban or intra-city use in Canada. Michelin further indicated that it does manufacture such tires in several locations in Europe, and requested that UMTA consider granting a "Buy America" public interest waiver to permit the procurement of these tires. Since this request is substantially different than the original request submitted by Firestone, UMTA will publish a separate Notice requesting comments on whether a "public interest" waiver should be granted to tires produced in Europe by Michelin. This Notice appears elsewhere in this *Federal Register*.

Therefore, the proceeding to consider granting a "public interest" waiver to bus tires produced by Firestone and Michelin in Canada is hereby terminated, and UMTA will take no further actions on these requests.

Dated: April 8, 1988.

Edward J. Babbitt,
Chief Counsel.

[FR Doc. 88-8087 Filed 4-12-88; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ.—Public Debt Series No. 9-88]

Treasury Notes of April 15, 1995; Series F-1995

April 6, 1988.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$6,250,000,000 of the United States securities, designated Treasury Notes of April 15, 1995, Series F-1995 (CUSIP No. 912827 WB 4), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated April 15, 1988, and will accrue interest from that date, payable on a semiannual basis on October 15, 1988, and each subsequent 6 months on April 15 and October 15 through the date that the principal becomes payable. They will mature April 15, 1995, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000, and in multiples of those

amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Tuesday, April 12, 1988. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, April 11, 1988, and received no later than Friday, April 15, 1988.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined

above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5, must be made or completed on or before Friday, April 15, 1988. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, April 13, 1988. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Friday, April 15, 1988. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in

TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive

payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 88-8148 Filed 4-11-88; 11:00 am]

BILLING CODE 4810-40-M

Corrections

Federal Register

Vol. 53, No. 71

Wednesday, April 13, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 250 and 256

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Outer Continental Shelf Minerals and Rights-of-Way Management, General; and Outer Continental Shelf Orders for All Regions of the Outer Continental Shelf

Correction

In rule document 88-6532 beginning on page 10596 in the issue of Friday, April 1, 1988, make the following corrections:

§ 250.1 [Corrected]

1. On page 10693, in the first column, in the introductory text of § 250.1, in the sixth and seventh lines, remove "[Insert date of Federal Register approval]" and insert "May 31, 1988".

§ 250.51 [Corrected]

2. On page 10714, in the third column, in § 250.51(b)(1) remove "[Insert date 1 year from the effective date of these regulations]" and insert "May 31, 1989".

3. On the same page, in the same column, in § 250.51(b)(2) remove "[Insert 1 year from the effective date of these regulations]" and insert "May 31, 1989".

§ 250.123 [Corrected]

4. On page 10736, in the second column, in the introductory text of § 250.123(b)(1) remove "June 30, 1988" and insert "August 29, 1988".

§ 250.126 [Corrected]

5. On page 10739, in the first column, in § 250.126(b)(1), the first sentence should read as follows:

"(b)(1) By August 29, 1988, each lessee shall submit to the Deputy Associate

Director for Offshore Operations a list of all certified and noncertified SSV's (both actuator and valve), USV's (both actuator and valve), and SSSV's (including safety valve locks and landing nipples) in the lessee's inventory as of April 1, 1988."

§ 250.153 [Corrected]

6. On page 10757, in the first column, in § 250.153(a)(4) remove "[Insert date of publication in the Federal Register]" in both places it occurs and insert "April 1, 1988" in both places.

7. On page 10777, in the third column, in the file line at the end of the document, "FR Doc. 88-6523" should read "FR Doc. 88-6532".

BILLING CODE 10505-01-D

The subject of the following corrections is the article "The Effect of the Temperature of the Water on the Rate of the Reaction of the Chlorine with the Hydrogen Peroxide" by J. H. H. van den Hul and J. H. H. van den Hul, published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

STATEMENT OF THE INTENTION

It is the intention of the author to publish the following corrections in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

1. The title of the article is "The Effect of the Temperature of the Water on the Rate of the Reaction of the Chlorine with the Hydrogen Peroxide".

2. The authors are J. H. H. van den Hul and J. H. H. van den Hul.

3. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

4. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

5. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

6. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

7. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

8. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

9. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

10. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

11. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

12. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

13. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

14. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

15. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

16. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

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18. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

19. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

20. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

21. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

22. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

23. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

24. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

25. The article is published in the *Journal of Physical Chemistry*, Vol. 61, No. 1, p. 100, 1957.

Best Foot Forward

Wednesday
April 13, 1988

Part II

Reader Aids

**List of Libraries That Have Announced
Availability of Federal Register and Code
of Federal Regulations**

LIST OF LIBRARIES THAT HAVE ANNOUNCED AVAILABILITY OF FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

In order to better serve the public the Office of the Federal Register is publishing a list of libraries where the *Federal Register* and *Code of Federal Regulations* are available for examination free of charge. This list contains only those Government depository libraries and other libraries that specifically have chosen to be included. A complete listing of *Government Depository Libraries* is available without charge from The Library, U.S. Government Printing Office, 5236 Eisenhower Avenue, Alexandria, VA 22304.

The Office of the Federal Register's list will be updated annually unless public interest requires more frequent publication. Any library that maintains these publications, makes them available to the public, and wishes to be included on future lists should write to the Director of the Federal Register, National Archives and Records Administration, Washington, DC 20408, or phone (202) 523-5227 giving the name and address of the library. (*FR only. †CFR only.)

ALABAMA

Birmingham:
Government Documents Department
Birmingham Public Library
2020 Park Place
Birmingham, AL 35203
(205) 254-2551

Gadsden:

Gadsden Public Library
254 College Street
Gadsden, AL 35901
(205) 547-1611

Mobile:

Governmental Information Division
Mobile Public Library
564 Davis Avenue
Mobile, AL 36603
(205) 438-7092

Government Documents Department
University of South Alabama Library
Mobile, AL 36688
(205) 460-7024

Montgomery:

Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36130
(205) 277-7330

Tuscaloosa:

University of Alabama Library
Reference Department
Box S
University, AL 35486
(205) 348-6046

ALASKA

Anchorage:

Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 95513

Office of the Solicitor, Law Library
U.S. Department of the Interior
701 C Street, Box 34
Mod. G, Room 1126
Anchorage, AK 99513

Fairbanks:

Bureau of Land Management
Library
Fairbanks District Office
P.O. Box 1150
North Post of Ft. Waynewright
Fairbanks, AK 99707

Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

Juneau:

Alaska State Library
8th Floor, New State Office Bldg.
Pouch G
Juneau, AK 99811
(907) 465-2920

ARIZONA

Flagstaff:

Government Documents Department
Northern Arizona University Library
Flagstaff, AZ 86011
(602) 523-2171

Glendale:

Velma Teague Library
7010 N. 58th Avenue
Glendale, AZ 85301
(602) 931-5576

Phoenix:

Phoenix Public Library
Business, Science & Technology—
Documents
12 E. McDowell Road
Phoenix, AZ 85004
(602) 262-6451

Tempe:

Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Government Documents Department
Arizona State University Library
Tempe, AZ 85281

ARKANSAS

Little Rock

Government Documents Department
UALR Library
University of Arkansas at Little Rock
33rd and University Avenue
Little Rock, AR 72204
(501) 569-3120

Searcy:

Beaumont Memorial Library
Harding University
P.O. Box 928
Searcy, AR 72143
(501) 268-6161

CALIFORNIA

Anaheim:

Anaheim Public Library
500 W. Broadway Avenue
Anaheim, CA 92805
(714) 999-1880

Arcata:

Documents Department
The Library
Humboldt State University
Arcata, CA 95521

Burlingame:

The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342-2477

Carson:

Carson Library
151 East Carson Street
Carson, CA 90745
(213) 830-0901

Compton:

Compton Library
240 West Compton Boulevard
Compton, CA 90220
(213) 637-0202, ext. 25

Culver City:

Culver City Library
4975 Overland Avenue
Culver City, CA 90230
(213) 559-1676

Gardena:

Gardena Library
1731 West Gardena Boulevard
Gardena, CA 90247
(213) 323-6363

Glendale:

City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

Huntington Park:

Huntington Park Library
6518 Miles Avenue
Huntington Park, CA 90255
(213) 583-1461

Inglewood:

Inglewood Public Library
101 West Manchester Blvd.
Inglewood, CA 90301
(213) 649-7397

La Jolla:

Government Documents, Maps,
Microforms Department
Central University Library C-075-P
University of California, San Diego
La Jolla, CA 92093
(714) 452-3338

CALIFORNIA—Continued**Lakewood:**

Angelo M. Iacoboni Library
4990 Clark Avenue
Lakewood, CA 90712
(213) 866-1777

Lancaster:

Lancaster Regional Library
1150 West Avenue J
Lancaster, CA 93534
(805) 948-5029

Long Beach:

Government Publications
Long Beach Public Library and
Information Center
101 Pacific Avenue
Long Beach, CA 90802
(213) 437-2949, ext. 40

Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:

U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

Montebello:

Montebello Library
1550 Beverly Boulevard
Montebello, CA 90640
(213) 722-6551

Norwalk:

Norwalk Library
12350 Imperial Highway
Norwalk, CA 90650
(213) 868-0775

Oakland:

Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619

Orange:

Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666

Pasadena:

City of Pasadena
Pasadena Public Library
285 E. Walnut Street
Pasadena, CA 91101
(213) 577-4054

Pleasant Hill:

Contra Costa County Library
Documents Section
1750 Oak Park Boulevard
Pleasant Hill, CA 94523
(415) 944-3423

Redding:

Shasta County Library
1855 Shasta Street
Redding, CA 96001
(916) 225-5754

Redwood City:

Redwood City Public Library
881 Jefferson Avenue
Redwood City, CA 94063
(415) 369-6251, ext. 288

**San Mateo County Superintendent of
Schools Office**

Educational Resources Center
333 Main Street
Redwood City, CA 94063
(415) 364-5600

Richmond:

Richmond Public Library
Civic Center Plaza
Richmond, CA 94804

Riverside:

Riverside City and County Public
Library
(Current CFR only)
3581 Seventh Street
P.O. Box 468
Riverside, CA 92502
(714) 787-7203

Sacramento:

Law Library
California State Library
P.O. Box 2037
Sacramento, CA 95809
(916) 445-8833

San Bernardino:

San Bernardino County Library
104 West Fourth Street
San Bernardino, CA 92415

San Diego:

Western State University
College of Law
1333 Front Street
San Diego, CA 92101
(714) 231-0300

San Francisco:

University of California
Hastings College of the Law
Library
198 McAllister Street
San Francisco, CA 94102

San Rafael:

Marin County Free Library
Civic Center Administration Building
San Rafael, CA 94903
(415) 499-6051

Valencia:

Valencia Regional Library
23743 Valencia Boulevard
Valencia, CA 91355
(805) 259-8942

Vallejo:

California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644-5601

West Covina:

West Covina Regional Library
1601 West Covina Parkway
West Covina, CA 91790
(818) 962-3541, ext. 16

COLORADO**Denver:**

Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225

Bureau of Reclamation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225

Colorado State Library
1362 Lincoln Street
Denver, CO 80203

Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal
Center
P.O. Box 25007
Denver, CO 80225

Rocky Mountain Regional Office
Library
National Park Service
655 Perfect Street
P.O. Box 25287
Denver, CO 80225

Fort Collins:

Documents Department
The Libraries
Colorado State University
Fort Collins, CO 80523

Greeley:

James A. Michener Library
Government Publications Service
University of Northern Colorado
Greeley, CO 80639

Lakewood:

Villa Library*
455 South Pierce Street
Lakewood, CO 80226
(303) 936-7407

Pueblo:

Pueblo Regional Planning Commission
Library*
No. 1 City Hall Place
Pueblo, CO 81003
(303) 543-6006

CONNECTICUT**Bloomfield:**

Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002

Danielson:

Quinebaug Valley Community College
P.O. Box 59
Danielson, CT 06239
774-1130

East Haven:

Hagaman Memorial Library*
227 Main Street
East Haven, CT 06512
(203) 468-3223

Fairfield:

Nyselius Library
Fairfield University
North Benson Road
Fairfield, CT 06430
(203) 255-5411, Ext. 2451

CONNECTICUT—Continued**Hartford:**

The Stanley Osborne Library*
Third Floor
The Connecticut State Department of
Health Services
79 Elm Street
Hartford, CT 06115
(203) 566-2198

Middletown:

Olin Library
Wesleyan University
Middletown, CT 06457

New Haven:

Yale University
Government Documents Center
Seeley G. Mudd Library
38 Mansfield Street
P.O. Box 2491 Yale Station
New Haven, CT 06520
(203) 432-3209

Stamford:

Ferguson Library
96 Broad Street
Stamford, CT 06901

Storrs:

Government Publications Department
University of Connecticut Library
University of Connecticut
Storrs, CT 06268

Waterbury:

Silas Bronson Public Library
Business, Industry & Technology
Department
267 Grand Street
Waterbury, CT 06702

Wethersfield:

Wethersfield Public Library
515 Silas Deane Highway
Wethersfield, CT 06109

DELAWARE**Wilmington:**

The Delaware Law School Library
Widener University
P.O. Box 7475 Concord Pike
Wilmington, DE 19803
(302) 478-5280
Ext. 247

DISTRICT OF COLUMBIA

Natural Resources Library
U.S. Department of the Interior
Washington, DC 20240

Office of the Federal Register
1100 L Street, N.W.
Room 8301
Washington, DC 20408
(202) 523-5240

FLORIDA**Clearwater:**

Clearwater Public Library
100 North Osceola Avenue
Clearwater, FL 33515

Daytona Beach:

Volusia County Library Center
City Island
Daytona Beach, FL 32014
(904) 255-3765

Fort Lauderdale:

Broward County Main Library
100 S. Andrews Avenue
Fort Lauderdale, FL 33301
(305) 357-7444

Melbourne:

Government Documents Department
Florida Institute of Technology
Library
University Blvd.
Melbourne, FL 32901
(305) 723-3701

Miami:

Social Science Department
Miami Dade Public Library
101 West Flagler Street
Miami, FL 33130
(305) 375-2665

North Miami Beach:

North Miami Beach Library
1601 N.E. 164 Street
North Miami Beach, FL 33162
(305) 948-2970

Orlando:

Orange County Library System
General Information Department
10 N. Rosalind Avenue
Orlando, FL 32801
(305) 425-4694

Sarasota:

Selby Public Library
1001 Boulevard of the Arts
Sarasota, FL 33577
(813) 951-5501

The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955-4228

Tallahassee:

Documents Section
State Library of Florida
R. A. Gray Building
Tallahassee, FL 32301
(904) 487-2651

Tampa:

Tampa-Hillsborough County Public
Library
900 North Ashley Street
Tampa, FL 33602
(813) 223-8969

GEORGIA**Athens:**

University of Georgia Libraries
Government Reference Department
Athens, GA 30602

Atlanta:

Documents Center
Robert W. Woodruff Library
Emory University
Atlanta, GA 30322
(404) 727-6880
Office of the Regional Solicitor, Law
Library
U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303

Dublin:

Laurens County Library
801 Bellevue Ave.
Dublin, GA 31021

Elberton:

Southeastern Power Administration
Law Library
U.S. Department of Energy
Samuel Elbert Building
Elberton, GA 30635

Savannah:

Chatham-Effingham-Liberty Regional
Library
2002 Bull Street
Savannah, GA 31499
(912) 234-5127

IDAHO**Boise:**

Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724

Pocatello:

The Library
Idaho State University
Pocatello, ID 83209

ILLINOIS**Bloomington:**

Illinois Wesleyan University
Library
Bloomington, IL 61701

Chicago:

Government Publications Department
Chicago Public Library
425 N. Michigan Avenue
Chicago, IL 60611
(312) 269-3002

University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois at Chicago Circle
The Library, P.O. Box 8198
Chicago, IL 60680
(312) 996-2716/996-2738

Dekalb:

Government Publications Department
Northern Illinois University
Founders Library
Dekalb, IL 60115
(815) 753-1932

Evanston:

Northwestern University Library
Government Publications Department
Evanston, IL 60201
(312) 491-3130

Lake Forest:

Lake Forest College Library
Lake Forest, IL 60045
(312) 234-3100, ext. 410

Lockport:

Lewis University
Route 53
Lockport, IL 60441
(815) 838-0500

ILLINOIS—Continued

Macomb:

Government Publications and Legal
Reference Library
Western Illinois University
Macomb, IL 61455
(309) 298-2411

Niles:

Niles Public Library District
6960 Oakton Street
Niles, IL 60648
(312) 967-8554

Normal:

Milner Library
Illinois State University
Normal, IL 61761

Oak Park:

Oak Park Public Library
834 Lake Street
Oak Park, IL 60301
(312) 383-8200

Rockford:

Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965-6731

Springfield:

Energy Information Library*
Illinois Institute of Natural Resources,
Room 300
325 W. Adams Street
Springfield, IL 62706

Streamwood:

Government Documents Department
Poplar Creek Public Library
1405 S. Park Blvd.
Streamwood, IL 60103
(312) 837-6800

Waukegan:

County of Lake
Law Library
18 North County Street
Waukegan, IL 60085
(312) 689-6654

INDIANA

Fort Wayne:

The Public Library of
Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424-7241

Indianapolis:

Reference and Loan Division
Indiana State Library
140 N. Senate Ave.
Indianapolis, IN 46204
(317) 232-3675

Muncie:

Ball State University Library
Government Publications Service
Muncie, IN 47305
(317) 285-6195

South Bend:

Indiana University at South Bend
1700 Mishawaka Avenue
South Bend, IN 46615
(219) 237-4440

IOWA

Ames:

Library—Government Publications
Department
Iowa State University
Ames, IA 50010
(515) 294-2834

Des Moines:

State Library Commission of Iowa
Law Library
Capitol Building
Des Moines, IA 50319
(515) 281-5125

State Library Commission of Iowa
Historical Building
East 12th & Grand
Des Moines, IA 50319

Dubuque:

Carnegie-Stout Public Library
Eleventh and Bluff Streets
Dubuque, IA 52001
(319) 583-9197

Wahlert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

KANSAS

Colby:

H. F. Davis Memorial Library
Colby Community College
1255 South Range
Colby, KS 67701
(913) 462-3984

Emporia:

William Allen White Library
Emporia State University
Emporia, KS 66801
(316) 343-1200

Hutchinson:

Hutchinson Public Library
901 N. Main
Hutchinson, KS 67501
(316) 663-5441

Lawrence:

University of Kansas Law Library
Green Hall
Lawrence, KS 66045
(913) 864-3025

Pittsburg:

Leonard H. Axe Library
Pittsburg State University
Pittsburg, KS 66762
(316) 231-7000, ext. 4889

Salina:

Memorial Library
Kansas Wesleyan
100 East Claflin
Salina, KS 67401-6196
(913) 827-5541, ext. 298

Topeka:

Kansas State Library
Third Floor
State House
Topeka, KS 66612
(913) 296-3296

Washburn University of Topeka
School of Law Library
Topeka, KS 66621
(913) 295-6660

KENTUCKY

Bowling Green:

Western Kentucky University
Helm-Cravens Library
Bowling Green, KY 42101

Frankfort:

Government Document Section
State Library Division
Kentucky Department of Library &
Archives

Berry Hill
Frankfort, KY 40602
(502) 564-2480

Highland Heights:

Northern Kentucky University
Library
Government Documents Department
Highland Heights, KY 41076

Lexington:

University of Kentucky Libraries
Government Publications Department
Lexington, KY 40506

Law Library

University of Kentucky
Lexington, KY 40506

Louisville:

University of Louisville
The Library
Louisville, KY 40208

Pikeville:

CITAC Library
Pikeville College
Armington Science Center
Pikeville, KY 41501
(606) 432-9396

LOUISIANA

Baton Rouge:

Library, Department of Urban &
Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

Louisiana State Library
P.O. Box 131
760 N. Riverside Mall
Baton Rouge, LA 70821
(504) 389-6651

Lafayette:

University of Southwestern Louisiana
University Libraries
Lafayette, LA 70501

New Orleans:

U.S. Court of Appeals Library
5th Circuit
600 Camp Street
Room 106
New Orleans, LA 70130
(504) 589-6510

MAINE

Lewiston:

George and Helen Ladd Library
Bates College
Lewiston, ME 04240

MAINE—Continued**Portland:**

Donald L. Garbrecht Law Library
246 Deering Avenue
Portland, ME 04102
(207) 780-4350

MARYLAND**Aberdeen:**

Department of the Army
U.S. Army Environmental Hygiene
Agency
ATTN: Librarian, Bldg. E-2100
Aberdeen Proving Ground, MD 21010

Annapolis:

Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401

Baltimore:

Enoch Pratt Free Library
400 Cathedral Street
Baltimore, MD 21201

Cumberland:

Allegheny Community College Library
Willow Brook Road
P.O. Box 1695
Cumberland, MD 21502
(301) 724-7700, ext. 36

Oakland:

Garrett County Planning Office*
323 East Oak Street
Oakland, MD 21550
(301) 334-4200

Rockville:

Medical Library
Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

Department of Public Libraries
Montgomery County
99 Maryland Avenue
Rockville, MD 20850
(301) 279-1966

MASSACHUSETTS**Boston:**

Government Documents Department
Boston Public Library
Copley Square
Boston, MA 02117

Gloucester:

Gloucester Lyceum and Sawyer Free
Library*
General Reference Section
2 Dale Avenue
Gloucester, MA 01930
(617) 283-0376

Newton Corner:

Office of the Regional Solicitor, Law
Library
Suite 612
1 Gateway Center
Newton Corner, MA 02158
(617) 965-5100, ext. 258

Springfield:

The City Library
Central Library
220 State Street
Springfield, MA 01103

Woburn:

Commonwealth of Massachusetts
Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935-4000

MICHIGAN**Ann Arbor:**

Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973-3300

Detroit:

Downtown Library*
Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
Detroit Public Library
1004 City-County Building
Detroit, MI 48226

Arthur Neef Law Library
Wayne State University
468 W. Ferry Mall
Detroit, MI 48202
(313) 577-3925

East Lansing:

Documents Department
Michigan State University Library
East Lansing, MI 48824

Flint:

Flint Public Library
General Reference Department
1026 E. Kearsley Street
Flint, MI 48502
(313) 232-7111

Lansing:

Thomas M. Cooley Law School
Library
U.S. Documents Collection
217 South Capitol Avenue
Lansing, MI 48901
(517) 371-5140

Marquette:

Government Documents Department
Olson Library
Northern Michigan University
Marquette, MI 49855
(906) 227-2112

Mount Clemens:

Macomb County Library
16480 Hall Road
Mount Clemens, MI 48044
469-5300

Mt. Pleasant:

Library - Documents Department
Central Michigan University
Mt. Pleasant, MI 48859
(517) 774-3414

Pontiac:

Adams-Pratt Oakland County Law
Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054

Rochester:

Kresge Library
Documents Department
Oakland University
Squirrel/Walton
Rochester, MI 48063
(313) 377-2476

Saginaw:

Public Libraries of Saginaw
505 Janes
Saginaw, MI 48605
(517) 755-0904

Traverse City:

Mark Osterlin Library
Documents Department
Northwestern Michigan College
1701 East Front Street
Traverse City, MI 49684
(616) 946-5650, ext. 540

University Center:

Learning Resources Center
Delta College
University Center, MI 48710

MINNESOTA**Bemidji:**

Documents Section
A. C. Clark Library
Bemidji State University
Bemidji, MN 56601
(218) 755-2958

Blaine:

Anoka County Library
707 Highway 410
Blaine, MN 55434

Cambridge:

East Central Regional Library*
Cambridge, MN 55008

Duluth:

Duluth Public Library
520 W. Superior Street
Duluth, MN 55802
(218) 723-3804

Edina:

Southdale-Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830-4900

Mankato:

Memorial Library
Mankato State University
Box 19
Mankato, MN 56001
(507) 389-6201

Minneapolis:

Minnesota Hospital Association
Library
2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331-5571

Government Publications Division
409 Wilson Library
University of Minnesota
Minneapolis, MN 55455
(612) 373-7813

MINNESOTA—Continued

St. Paul:

Minnesota State Law Library
117 University Avenue
St. Paul, MN 55155
(612) 296-2775

Government Publications Office
St. Paul Public Library
90 West Fourth Street
St. Paul, MN 55102
292-6178

Stillwater:

Stillwater Public Library
223 North Fourth Street
Stillwater, MN 55082
439-1675

Twin Cities:

Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

Winona:

Maxwell Library
Government Documents
Winona State University
Winona, MN 55987
(507) 457-5148

MISSISSIPPI

Gulfport:

Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864-5161 ext. 336

Jackson:

H. T. Sampson Library
Jackson State University
Jackson, MS 39217

MISSOURI

Cape Girardeau:

Kent Library
Southeast Missouri State University
Cape Girardeau, MO 63701
(314) 651-2000

Columbia:

Ellis Library
University of Missouri-Columbia
Columbia, MO 65201
(314) 882-6733

University of Missouri-Columbia
Law Library
Tate Hall
Columbia, MO 65211
(314) 882-4597

Fulton:

Reeves Library
Westminster College
Fulton, MO 65251
(314) 642-3361

Jefferson City:

Missouri State Library
308 E. High Street
P.O. Box 387
Jefferson City, MO 65102
(314) 751-4552

Joplin:

Spiva Library
Missouri Southern State College
Newman & Duquesne Roads
Joplin, MO 64801
(417) 625-9386

Kansas City:

Kansas City Public Library
311 East 12th Street
Kansas City, MO 64106
(816) 221-2685

Government Documents Department
General Library
University of Missouri-Kansas City
5100 Rockhill Road
Kansas City, MO 64110
(816) 276-1536

Kirkville:

Pickler Memorial Library
Northeast Missouri State University
Kirkville, MO 63501
(816) 785-4534

Liberty:

Charles F. Curry Library
Government Documents
William Jewell College
Liberty, MO 64068
(816) 781-3806, ext. 293

Maryville:

B. D. Owens Library
Northwest Missouri State University
Maryville, MO 64468

Rolla:

Curtis Laws Wilson Library
University of Missouri-Rolla
Rolla, MO 65401
(314) 341-4227

St. Charles:

Butler Library
Lindenwood College
St. Charles, MO 63301
(314) 946-6912, ext. 329

St. Joseph:

St. Joseph Public Library
Tenth and Felix Streets
St. Joseph, MO 64501
(816) 232-7729

St. Louis:

Maryville College Library
Government Documents
13550 Conway Rd.
St. Louis, MO 63141
(314) 576-9300

Missouri Botanical Garden*
(back issues held 1 year)
2345 Tower Grove Avenue
St. Louis, MO 63110
(314) 772-7600

St. Louis County Library
1640 S. Lindbergh Blvd.
St. Louis, MO 63131
(314) 994-3300

Documents Department
St. Louis Public Library
1301 Olive Street
St. Louis, MO 63103
(314) 241-2288, ext. 375

Documents Department
Pius XII Memorial Library
St. Louis University
3655 West Pine Boulevard
St. Louis, MO 63108
(314) 658-3105

Thomas Jefferson Library
University of Missouri-St. Louis
8001 Natural Bridge Road
St. Louis, MO 63144
(314) 453-5954

Washington University Law Library
Documents Department
Campus Box 1120
St. Louis, MO 63130
(314) 889-6484

Sedalia:

State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301

Springfield:

Walker Library
Drury College
Springfield, MO 65802
Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831-1561

Warrensburg:

Ward Edwards Library
Central Missouri State University
Warrensburg, MO 64093
(816) 429-4149

MONTANA

Billings:

Bureau of Land Management
Library
P.O. Box 30157
Billings, MT 59107
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA

Kearney:

Calvin T. Ryan Library
Kearney State College
Kearney, NE 68847

Lincoln:

Nebraska Library Commission
1420 P Street
Lincoln, NE 68508
(402) 471-2045

University of Nebraska-Lincoln
Libraries
Lincoln, NE 68588

Norfolk:

Northeast Technical Community
College
801 E. Benjamin Avenue
Norfolk, NE 68701
(402) 371-2020

Omaha:

Creighton University Law Library
25th and California Streets
Omaha, NE 68178
(402) 280-2875

NEBRASKA—Continued

Omaha Public Library
Business, Science, and Technology
Department
215 S. Fifteenth Street
Omaha, NE 68102
(402) 444-4815
University of Nebraska at Omaha
Library
60th and Dodge Streets
Omaha, NE 68182
(402) 554-2661

Wayne

U. S. Conn Library
Wayne State College
Wayne, NE 68787
(402) 375-2200, ext. 213

NEVADA**Carson City:**

Nevada State Library
Capitol Complex
Carson City, NV 89710
(702) 885-5160

Reno:

Government Publications Department
University of Nevada Library
Reno, NV 89557
(702) 784-6579

NEW HAMPSHIRE**Concord:**

Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271-3777

New London:

Fernald Library
Colby-Sawyer College
New London, NH 03257

NEW JERSEY**Bloomfield:**

Bloomfield Public Library
90 Broad Street
Bloomfield, NJ 07003
(201) 429-9292

Bridgeton:

Cumberland County Library
800 East Commerce Street
Bridgeton, NJ 08302

East Orange:

East Orange Public Library
21 South Arlington Avenue
East Orange, NJ 07018

Elmer:

Arthur P. Schallick High School
Elmer-Centerton Road
R.D. 1
Elmer, NJ 08318

Hackensack:

Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601

Jersey City:

Hudson Health Systems Agency
Library
871 Berger Avenue
Jersey City, NJ 07306

Lawrenceville:

Franklin F. Moore Library
Rider College
Lawrenceville, NJ 08648
(609) 896-5115

Mahwah:

Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430

Montclair:

Montclair Public Library
50 S. Fullerton Avenue
Montclair, NJ 07042
(201) 744-0500

Newark:

Newark Public Library
5 Washington Street
P.O. Box 630
Newark, NJ 07101
(201) 733-7782

Paterson:

Paterson Free Public Library
250 Broadway
Paterson, NJ 07501
(201) 881-3750

Pomona:

Stockton State College
Pomona, NJ 08240
(609) 652-1776, ext. 266

Toms River:

Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255-4000 ext. 385

Trenton:

New Jersey State Law Library
185 West State Street
P.O. Box 1898
Trenton, NJ 08625
(609) 292-6230

Voorhees:

Camden County Library
Echelon Urban Center
Laurel Road
Voorhees, NJ 08043
(609) 772-1636

Wayne:

Wayne Public Library
475 Valley Road
Wayne, NJ 07470
(201) 694-4272

NEW MEXICO**Albuquerque:**

The University of New Mexico
General Library
Albuquerque, NM 87131
(505) 277-4241 and 277-5441
The University of New Mexico
School of Law Library
1117 Stanford NE
Albuquerque, NM 87131
(505) 277-6236

Las Vegas:

New Mexico Highlands University
Donnelly Library
Las Vegas, NM 87701

Portales:

Golden Library
Documents Department
Eastern New Mexico University
Portales, NM 88130

Santa Fe:

New Mexico State Library
300 Don Gaspar
Santa Fe, NM 87503
(505) 827-2033

Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

Silver City:

Miller Library
Western New Mexico University
Silver City, NM 88061

NEW YORK**Albany:**

The New York State Library
The State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230
(518) 474-5943

Brooklyn:

Brooklyn Public Library
Business Library
280 Cadman Plaza West
Brooklyn, NY 11201
(212) 780-7800

Corning:

The Arthur A. Houghton, Jr. Library
Corning Community College
Corning, NY 14830
(607) 962-9251

Garden City:

Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294-8700 ext. 7345

Geneseo:

State University of New York at
Geneseo
Milne Library
Government Documents
Geneseo, NY 14454

Greenvale:

C. W. Post Center—Long Island
University
B. Davis Schwartz Memorial Library
Greenvale, NY 11548

New Paltz:

Government Documents Department
Sojourner Truth Library
State University College
New Paltz, NY 12561
(914) 257-2252

Niagara Falls:

Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278-8113

NEW YORK—Continued**Oswego:**

State University of New York at
Oswego
Oswego, NY 13126
(315) 341-4267

Rochester:

Rochester Public Library
Business and Social Science Division
115 South Avenue
Rochester, NY 14604
(716) 428-7342

Schenectady:

Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305

Syracuse:

Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475-8458

Uniondale:

Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292-8920

NORTH CAROLINA**Asheboro:**

Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629-3329

Asheville:

Asheville-Buncombe Public Library
67 Haywood Street
Asheville, NC 28801
(704) 252-8701

D. Hiden Ramsey Library
University of North Carolina at
Asheville
1 University Heights
Asheville, NC 28804
(704) 251-6434

Boone:

Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607

Chapel Hill:

University of North Carolina
Law Library
Van Hecke-Wettach Building 064-A
Chapel Hill, NC 27514
(919) 962-1194

Charlotte:

Public Library of Charlotte and
Mecklenburg County
310 N. Tryon Street
Charlotte, NC 28202
(704) 374-2540

Durham:

William Perkins Library
Public Documents Department
Duke University
Durham, NC 27706
(919) 684-2380

Gastonia:

Gaston County Public Library*
Headquarters: Gaston-Lincoln
Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865-3418

Greenville:

J. Y. Joyner Library
East Carolina University
Greenville, NC 27834

Greensboro:

Greensboro Public Library
201 N. Green Street
Greensboro, NC 27401
(919) 373-2471

Raleigh:

Documents Department
The D. H. Hill Library
North Carolina State University
Box 5007
Raleigh, NC 27650

North Carolina Department of
Cultural Resources
Division of State Library
Documents Branch
109 East Jones Street
Raleigh, NC 27611
(919) 733-3343

North Carolina Supreme Court Library
2 East Morgan Street
P.O. Box 28006
Raleigh, NC 27611
(919) 733-3425

Winston-Salem:

Forsyth County Public Library
660 West Fifth Street
Winston-Salem, NC 27101
(919) 727-2220

NORTH DAKOTA**Bismarck:**

Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501
North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224-2490

Office of Program Planning*
All Nations Circle - Bldg. 35
United Tribes Educational Technical
Center
3315 South Airport Road
Bismarck, ND 58501

OHIO**Athens:**

Government Documents Department
Ohio University Library
Athens, OH 45701
(614) 594-5604

Cincinnati:

Municipal Reference Library
224 City Hall
Cincinnati, OH 45202

National Institute for Occupational
Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Cleveland:

Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114
Cleveland Regional Sewer District*
Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781-6600 ext. 219

Cleveland Heights:

Cleveland Heights—University
Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932-3600

Columbus

The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466-2694

Dayton:

University Library
Wright State University
Dayton, OH 45435

Findlay:

Marathon Oil Company
Law Library, Room 854-M
539 South Main Street
Findlay, OH 45840
(419) 422-2121 ext. 3376

Shafer Library
Findlay College
1000 N. Main Street
Findlay, OH 45840
(419) 422-8313

Marion:

Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387-0992

Toledo:

Toledo-Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 255-7055 ext. 221

Wooster:

Andrews Library
The College of Wooster
Wooster, OH 44691

OKLAHOMA**Aradarko:**

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

OKLAHOMA—Continued

Norman:

Law Library
University of Oklahoma
300 Timberdell
Norman, OK 73019

Oklahoma City:

Metropolitan Library System
Main Library
131 Dean A. McGee Avenue
Oklahoma City, OK 73102
(405) 631-1149
Oklahoma Department of Libraries
U.S. Documents Regional Depository
200 N.E. 18th Street
Oklahoma City, OK 73105
(405) 521-2502

Pawhuska:

Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:

Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624-6546

Tulsa:

Office of the Regional Solicitor, Law
Library
U.S. Department of the Interior
P.O. Box 3156
Tulsa, OK 74101

OREGON

Eugene:

University of Oregon Library
Government Documents Section
Eugene, OR 97403
(503) 686-3070

Portland:

Library Association of Portland
(Multnomah County Library)
801 S.W. 10th Avenue
Portland, OR 97205
223-7201

Salem:

Oregon State Library
State Library Building
Salem, OR 97310
(503) 378-4276

PENNSYLVANIA

Aliquippa:

B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375-7174

Allentown:

The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Dallas:

Library
College Misericordia
Dallas, PA 18612

Harmony:

Library
Seneca Valley Senior High School*
Southwest Butler County School
District
R.D. 2
Harmony, PA 16037

Harrisburg:

State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787-7343

Hazleton:

Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454-2961/454-0244

Johnstown:

Cambria County Library System
248 Main Street
Johnstown, PA 15901
(814) 536-5131

Lancaster:

Fackenthal Library
Franklin and Marshall College
P.O. Box 3003
Lancaster, PA 17604
(717) 291-4210

Loretto:

Pius XII Memorial Library
Saint Francis College
Loretto, PA 15940

Millersville:

Millersville State College
Millersville, PA 17551

Vein

Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872-5411 ext. 552, 542

Newtown:

The Library
Bucks County Community College
Newtown, PA 18940

Philadelphia:

Government Publications Department
Free Library of Philadelphia
Logan Square
Philadelphia, PA 19103

Pittsburgh:

Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library
4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:

Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Somerset:

Somerset State Hospital Library
Box 631
Somerset, PA 15501
(814) 445-6501, ext. 216

Swarthmore:

The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) K1 4-7900

Warren:

Warren Library Association
205 Market Street
Warren, PA 16365

Washington:

Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228-6747

West Chester:

Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436-2869

Wilkes-Barre:

Institute of Regional Affairs*
Wilkes College
Wilkes-Barre, PA 18703

RHODE ISLAND

Kingston:

Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792-2602

Providence:

Brown University Library
Documents Department
Providence, RI 02912
(401) 863-2522

Providence Public Library
150 Empire Street
Providence, RI 02903
(401) 521-7722

Rhode Island College
James P. Adams Library
Documents Department
600 Mt. Pleasant Avenue
Providence, RI 02908
(401) 274-4900 ext. 331

Warwick:

Warwick Public Library
600 Sandy Lane
Warwick, RI 02886
(401) 739-5440

SOUTH CAROLINA

Charleston:

Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411

Charleston County Library
404 King Street
Charleston, SC 29403

Citadel

Charleston, SC 29409
College of Charleston
66 George Street
Charleston, SC 29401

SOUTH CAROLINA—Continued**Clemson:**

Clemson University
Clemson, SC 29631

Columbia:

Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

South Carolina State Library
1500 Senate Street
Columbia, SC 29201

University of South Carolina
Columbia, SC 29208

Conway:

Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:

Erskine College*
Due West, SC 29639

Florence:

Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College
Florence, SC 29501

Greenville:

Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:

Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Orangeburg:

South Carolina State College
College Avenue
Orangeburg, SC 29117

Rock Hill:

Winthrop College
Rock Hill, SC 29733

Spartanburg:

Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

Sumter:

Sumter County Library
111 North Harvin Street
Sumter, SC 29150
773-7273

SOUTH DAKOTA**Brookings:**

H. M. Briggs Library
South Dakota State University
Brookings, SD 57007
(605) 688-5106

Rapid City:

Devereaux Library
South Dakota School of Mines &
Technology
Rapid City, SD 57701
(605) 394-2418

Sioux Falls:

Sioux Falls Public Library
201 N. Main Avenue
Sioux Falls, SD 57101

TENNESSEE**Chattanooga:**

Hamilton County Bicentennial Library
Business, Science and Technology
Department
1001 Broad Street
Chattanooga, TN 37402
(615) 757-5312

Clarksville:

Woodward Library
Austin Peay State University
Clarksville, TN 37040
(615) 648-7346

Martin:

Paul Meek Library
University of Tennessee at Martin
Martin, TN 38238
(901) 587-7065

Nashville:

Documents Unit
Joint University Libraries
Nashville, TN 37203

Tennessee State Library
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, TN 37219
(615) 741-2451

TEXAS**Amarillo:**

Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor
U.S. Department of the Interior
P.O. Box H-4393, Herring Plaza
Amarillo, TX 79101

Austin:

The State Law Library
Supreme Court Building
P.O. Box 12367, Capitol Station
Austin, TX 78711
(512) 475-3807

College Station:

Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:

Dallas County Law Library
Government Center
Dallas, TX 75202
749-8481

U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

Denton:

Texas Woman's University Library
Box 23715, TWU Station
Denton, TX 76204
(817) 566-6415

El Paso:

El Paso Public Library
Documents Section
501 North Oregon Street
El Paso, TX 79901
(915) 543-3808

Hurst:

Hurst Public Library
901 Precinct Line Road
Hurst, TX 76053
(817) 485-5320

Killeen:

Oveta Culp Hobby Library
American Educational Complex
U.S. Hwy 190 W.
Killeen, TX 76541
(817) 526-1237

Lubbock:

School of Law Library
Texas Tech University
Lubbock, TX 79409

Victoria:

Documents Department
VC/UHVC Library
2602 N. Ben Jordan
Victoria, TX 77901
(512) 576-3151, ext. 201
(512) 573-3291

UTAH**Cedar City:**

Southern Utah State College Library
Cedar City, UT 84720

Ephraim:

Lucy A. Phillips Library
Snow College
Ephraim, UT 84627

Logan:

Documents Department
Merrill Library, UMC 30
Utah State University
Logan, UT 84322

Ogden:

Weber State College Library
Ogden, UT 84403

Provo:

Harold B. Lee Library
Documents and Maps Section
Brigham Young University
Provo, UT 84602

Law Library
Brigham Young University
Provo, UT 84602

Salt Lake City:

Regional Solicitor
U.S. Department of the Interior
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138

Supreme Court Library
State Capitol
Salt Lake City, UT 84114

College of Law Library
University of Utah
Salt Lake City, UT 84112

Government Documents
Eccles Health Sciences Library
University of Utah, Bldg. 89
Salt Lake City, UT 84112

UTAH—Continued

Government Documents Division
Marriott Library
University of Utah
Salt Lake City, UT 84112

Utah State Library Commission
2150 South 300 West, Suite 16
Salt Lake City, UT 84115

VERMONT

Burlington:

Bailey/Howe Library
Documents Department
University of Vermont
Burlington, VT 05405

Middlebury:

Egbert Starr Library
Government Documents Department
Middlebury College
Middlebury, VT 05753

South Royalton:

Law Library
Vermont Law School
South Royalton, VT 05068
(802) 763-8303

VIRGINIA

Alexandria:

Alexandria Library*
717 Queen Street
Alexandria, Va. 22314
(703) 838-4555

Arlington:

Office of Hearings and Appeals
Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203

Chesapeake:

Chesapeake Public Library
300 Cedar Road
Chesapeake, VA 23320
(804) 547-6591

Danville:

Danville Community College Library
1009 Bonner Avenue
Danville, VA 24541
(804) 797-3553

Fairfax:

Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691-2741

Fenwick Library
George Mason University
4400 University Drive
Fairfax, VA 22030

Lynchburg

The Library
Lynchburg College
Lynchburg, VA 24501

Norfolk:

Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510

Reston:

U.S. Geological Survey
Library
National Center, Mail Stop 950
Reston, VA 22092

Richmond:

Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community
College
P.O. Box 12084
Richmond, VA 23241
(804) 264-3220

Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219

Roanoke:

Roanoke Law Library
210 Campbell Avenue, SW
Roanoke, VA 24011

Virginia Beach:

Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456

Williamsburg:

Documents Department
Earl Gregg Swem Library
College of William and Mary
Williamsburg, VA 23185

WASHINGTON

Bellingham:

Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676-3075

Cheney:

Eastern Washington University
The Library
Cheney, WA 99004
(509) 359-2475

Everett:

Everett Public Library
2702 Hoyt Avenue
Everett, WA 98201
(206) 259-8857

Snohomish County Law Library
County Courthouse
Everett, WA 98201
(206) 259-5326

Midway:

Highline Community College
Library 25-2
Midway, WA 98032
(206) 878-3710, ext. 232

Olympia:

Washington State Law Library
Temple of Justice
Olympia, WA 98504

Washington State Library

Document Section
Olympia, WA 98504
(206) 753-4027

Port Angeles:

North Olympic Library System
207 So. Lincoln
Port Angeles, WA 98362

Spokane:

Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

Spokane Public Library
West 906 Main Avenue
Spokane, WA 99201
(509) 838-3361

WEST VIRGINIA

Beckley:

National Mine Health and Safety
Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801

Charleston:

Kanawha County Public Library
123 Capitol Street
Charleston, WV 25301
(304) 343-4646

Montgomery:

Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136

Weirton:

Mary H. Weir Public Library
3442 Main Street
Weirton, WV 26062
(304) 748-7070

WISCONSIN

Appleton:

Appleton Public Library
121 South Oneida Street
Appleton, WI 54911
734-7171

Green Bay:

University of Wisconsin—Green Bay
Library Learning Center
Government Publications
Green Bay, WI 54302

Kenosha:

Library/Learning Center
University of Wisconsin—Parkside
Wood Road
Kenosha, WI 53141

Ladysmith:

Mount Senario College Library
Ladysmith, WI 54848

Madison:

Madison Public Library
201 W. Mifflin Street
Madison, WI 53703
(608) 266-6363

WISCONSIN—Continued

Milwaukee:

Milwaukee County
Law Library
Courthouse, Room 307
901 North 9th Street
Milwaukee, WI 53233
278-4900

WYOMING

Gillette:

George Amos Memorial Library
412 S. Gillette Avenue
Gillette, WY 82716
(307) 682-3223

Laramie:

Coe Library—Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766-2174

Name	Address	City
Dr. J. H. Smith	123 Main St.	Chicago
Dr. A. B. Jones	456 Oak St.	New York
Dr. C. D. Brown	789 Elm St.	Boston
Dr. E. F. Green	101 Pine St.	Philadelphia
Dr. G. H. White	202 Cedar St.	San Francisco
Dr. I. J. Black	303 Birch St.	Los Angeles
Dr. K. L. Gray	404 Spruce St.	Portland
Dr. M. N. Hall	505 Ash St.	Seattle
Dr. O. P. Young	606 Hickory St.	Denver
Dr. Q. R. King	707 Walnut St.	St. Louis
Dr. S. T. Lee	808 Chestnut St.	Cincinnati
Dr. U. V. Wright	909 Locust St.	Kansas City
Dr. W. X. Scott	1010 Madison St.	Indianapolis
Dr. Y. Z. Adams	1111 Monroe St.	Columbus
Dr. A. B. Baker	1212 Taylor St.	Toledo
Dr. C. D. Clark	1313 Franklin St.	Dayton
Dr. E. F. Evans	1414 Washington St.	Cleveland
Dr. G. H. Fisher	1515 Adams St.	Akron
Dr. I. J. Grant	1616 Jefferson St.	Richmond
Dr. K. L. Harris	1717 Madison St.	Hartford
Dr. M. N. Hill	1818 Monroe St.	Springfield
Dr. O. P. Howell	1919 Taylor St.	St. Paul
Dr. Q. R. Ingram	2020 Franklin St.	Minneapolis
Dr. S. T. Jackson	2121 Washington St.	Detroit
Dr. U. V. Keller	2222 Adams St.	Ann Arbor
Dr. W. X. Lane	2323 Jefferson St.	Lansing
Dr. Y. Z. Little	2424 Madison St.	Flint
Dr. A. B. Long	2525 Monroe St.	East Lansing
Dr. C. D. Mason	2626 Taylor St.	Farmington
Dr. E. F. Myers	2727 Franklin St.	Warren
Dr. G. H. Nichols	2828 Washington St.	Livonia
Dr. I. J. Oliver	2929 Adams St.	Westland
Dr. K. L. Parker	3030 Jefferson St.	Dearborn
Dr. M. N. Quinn	3131 Madison St.	Livonia
Dr. O. P. Roberts	3232 Monroe St.	Farmington
Dr. Q. R. Scott	3333 Taylor St.	Warren
Dr. S. T. Turner	3434 Franklin St.	Livonia
Dr. U. V. Walker	3535 Washington St.	Westland
Dr. W. X. Young	3636 Adams St.	Dearborn
Dr. Y. Z. Ziegler	3737 Jefferson St.	Livonia
Dr. A. B. Baker	3838 Madison St.	Farmington
Dr. C. D. Clark	3939 Monroe St.	Warren
Dr. E. F. Evans	4040 Taylor St.	Livonia
Dr. G. H. Fisher	4141 Franklin St.	Westland
Dr. I. J. Grant	4242 Washington St.	Dearborn
Dr. K. L. Harris	4343 Adams St.	Livonia
Dr. M. N. Hill	4444 Jefferson St.	Farmington
Dr. O. P. Howell	4545 Madison St.	Warren
Dr. Q. R. Ingram	4646 Monroe St.	Livonia
Dr. S. T. Jackson	4747 Taylor St.	Westland
Dr. U. V. Keller	4848 Franklin St.	Dearborn
Dr. W. X. Lane	4949 Washington St.	Livonia
Dr. Y. Z. Little	5050 Adams St.	Farmington
Dr. A. B. Long	5151 Jefferson St.	Warren
Dr. C. D. Mason	5252 Madison St.	Livonia
Dr. E. F. Myers	5353 Monroe St.	Farmington
Dr. G. H. Nichols	5454 Taylor St.	Warren
Dr. I. J. Oliver	5555 Franklin St.	Livonia
Dr. K. L. Parker	5656 Washington St.	Dearborn
Dr. M. N. Quinn	5757 Adams St.	Livonia

POST REPORT

Wednesday
April 13, 1988

Part III

Office of Management and Budget

Cumulative Report on Rescissions and
Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET**Cumulative Report on Rescissions and Deferrals**

April 1, 1988.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of April 1, 1988 of 22 deferrals contained in the

three special messages of FY 1988. There have been no rescissions proposed. These messages were transmitted to the Congress on October 1 and 29, 1987 and February 19, 1988.

Rescissions (Table A and Attachment A)

As of April 1, 1988, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of April 1, 1988, \$6,385.9 million in budget authority was being deferred from obligation. Attachment B shows the history and status of each deferral reported during FY 1988.

Information from Special Messages

The special messages containing information on the deferrals covered by this cumulative report are printed in the **Federal Registers** listed below:

Vol. 52, FR p. 37739, Thursday, October 8, 1987

Vol. 52, FR p. 42400, Wednesday, November 4, 1987

Vol. 53, FR p. 6734, Wednesday, March 2, 1988

James C. Miller III,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1988 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President.....	0
Accepted by the Congress.....	0
Rejected by the Congress.....	0
Pending before the Congress.....	0

TABLE B

STATUS OF 1988 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President.....	9,310.0
Routine Executive releases through April 1, 1988.. (OMB/Agency releases of \$2,930.9 million and cumulative adjustments of \$6.8 million)	-2,924.1
Overtaken by the Congress.....	0
Currently before the Congress.....	6,385.9

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1988

As of April 1, 1988 Amounts in Thousands of Dollars	Recession Number	Amount Previously Considered by Congress	Amount Currently Before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Agency/Bureau/Account								

NONE

Attachment B - Status of Deferrals - Fiscal Year 1988

As of April 1, 1988 Amounts in Thousands of Dollars	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congress- ionally Required Releases	Congres- sional Action	Amount Deferred as of 4-1-88
Agency/Bureau/Account								

FUNDS APPROPRIATED TO THE PRESIDENT								
International Security Assistance	D88-20	2,949,000		2-19-88	865,000			2,084,000
Foreign military sales credit.....	D88-1	40,000		10-1-87				
Economic support fund.....	D88-1A		1,960,727	2-19-88	192,950			1,807,777
Military assistance.....	D88-21	608,186		2-19-88	202,346			405,840
International disaster assistance.....	D88-22	13,479		2-19-88	6,200			7,279
Special Assistance for Central America								
Promotion of stability and security in								
Central America.....	D88-2	1,000		10-1-87				1,000
DEPARTMENT OF AGRICULTURE								
Forest Service								
Expenses, brush disposal.....	D88-3	120,425		10-1-87				130,954
	D88-3A		10,529	2-19-88				24,385
Timber salvage sales.....	D88-4	34,841		10-1-87	10,456			470,941
Cooperative work.....	D88-5	628,025		10-1-87	157,084			
Gifts, donations, and bequests for forest								
and rangeland research.....	D88-6	104		10-1-87	60			44
DEPARTMENT OF DEFENSE - MILITARY								
Military Construction								
Military construction, Defense.....	D88-7	900		10-1-87				900
	D88-7A		1,297,848	2-19-88	1,297,848			
Family Housing								
Family housing, Defense.....	D88-8	51,015		10-1-87				0
	D88-8A		135,940	2-19-88	186,955			
DEPARTMENT OF DEFENSE - CIVIL								
Wildlife Conservation, Military Reservations								
Wildlife conservation, Defense.....	D88-9	636		10-1-87				/85
	D88-9A		149	2-19-88				

As of April 1, 1988 Amounts in Thousands of Dollars	Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 4-1-88
DEPARTMENT OF ENERGY										
Power Marketing Administration										
Alaska Power Administration, Operation and maintenance.....		D88-14	120		10-29-87					120
Southeastern Power Administration, Operation and maintenance.....		D88-15	2,000		10-29-87	2,000				0
Southwestern Power Administration, Operation and maintenance.....		D88-16 D88-16A	6,000	7,200	10-29-87 2-19-88					13,200
Western Area Power Administration, Construction, rehabilitation, operation and maintenance.....		D88-17 D88-17A	774	2,426	10-29-87 2-19-88	3,200				0
DEPARTMENT OF HEALTH AND HUMAN SERVICES										
Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....		D88-18 D88-18A	2,391	569	10-29-87 2-19-88					2,960
Social Security Administration Limitation on administrative expenses (construction).....		D88-10 D88-10A	6,171	36	10-1-87 2-19-88					6,207
DEPARTMENT OF JUSTICE										
Office of Justice Programs Crime victims fund.....		D88-19	85,000		10-29-87	6,800			6,800	85,000
DEPARTMENT OF STATE										
Bureau for Refugee Programs United States emergency refugee and migration assistance fund, executive.....		D88-11	11,638		10-1-87					11,638

Attachment B - Status of Deferrals - Fiscal Year 1988

As of April 1, 1988 Amounts in Thousands of Dollars	Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 4-1-88
DEPARTMENT OF TRANSPORTATION										
Federal Aviation Administration										
Facilities and equipment (Airport and										
airway trust fund).....										
		D88-12	879,049		10-1-87					
		D88-12A		450,858	2-19-88					1,329,907
DEPARTMENT OF THE TREASURY										
Office of Revenue Sharing										
Local government fiscal assistance trust										
fund.....										
		D88-13	2,933		10-1-87					2,933
TOTAL, DEFERRALS.....										
			5,443,688	3,866,281		2,930,899	0		6,800	6,385,870

[FR Doc. 88-8055 Filed 4-12-88; 8:45 am]

BILLING CODE 3110-01-C

Best Labor Report

Wednesday
April 13, 1988

Part IV

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 20, 75 and 77

Mandatory Safety Standards; Proposed Rules

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 20

Electric Mine Lamps Other Than Standard Cap Lamps

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule.

SUMMARY: This proposal would amend 30 CFR Part 20 by revising the requirements for the testing and approval of electric mine lamps, other than standard cap lamps, used in underground mines. These amendments would allow MSHA to approve lamps with different designs that would be as safe as lamps approved under the existing rules. The proposal would not affect lamps which have been or could be approved under the existing rules.

DATES: Comments on the proposal must be received by June 13, 1988.

ADDRESS: Send written comments to the Office of Standards, Regulations and Variances; MSHA; Room 631; Ballston Tower No. 3; 4015 Wilson Boulevard; Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA; phone: (703) 235-1910.

SUPPLEMENTARY INFORMATION: Under the existing rules, MSHA investigates and approves lamps which meet the design, construction and test requirements set forth in Part 20 of Title 30 of the Code of Federal Regulations (CFR). These rules do not recognize lamps and flashlights that incorporate new or newly-applied technology. As a result, MSHA has not approved lamps and flashlights with innovative improvements.

The proposal would amend Part 20 to enable MSHA to issue approvals for electric lamps and flashlights incorporating new designs if, after testing, they are found to be safe for their intended use and provide, at a minimum, the same degree of safety as lamps currently approved under the existing rules. At a future date, and under a separate rulemaking, MSHA will review Part 20 to determine the appropriateness of incorporating it into the Agency's proposed Part 7 program (Testing by Applicant or Third Party, 51 FR 4686).

I. Discussion of the Proposed Rule

Under the proposal, § 20.1(c) would be amended to provide that MSHA may approve electric lamps and flashlights that incorporate technology for which

the requirements of Part 20 are not applicable if the Agency determines by testing that the electric lamps or flashlights perform as safely as those which meet the requirements of Part 20. With this provision, MSHA would be able to modify design, construction or test requirements in order to permit investigation and approval of lamps or flashlights which incorporate technological improvements that were not available or not applied when Part 20 was originally promulgated.

Consistent with this amendment, the proposal would revise § 20.8(a)(1) to allow MSHA to investigate and approve lamps that are designed and constructed to prevent bulb breakage, thus preventing exposure of the filament and possible ignition of an explosive atmosphere. Under the proposal, this design would be an alternative to the existing requirement for a safety device to prevent exposure of the filament. Typically, the safety device used in approved electric mine lamps ejects the bulb automatically when the lamp lens is broken. MSHA is aware that there are lamps currently being designed and constructed which use breakage-resistant material to prevent exposure of the filament by protecting the bulb from breakage. This proposal would authorize MSHA to approve these types of lamps, provided that they are as safe as currently approved lamps.

II. Executive Order 12291 and the Regulatory Flexibility Act

MSHA has determined that the proposal would not result in major cost increases nor have an incremental effect of \$100 million or more on the economy. Therefore, the proposal is not a major rule under Executive Order 12291, and a Regulatory Impact Analysis is not required. The proposal would remove restrictions in MSHA's Approval and Certification requirements for electric mine lamps, other than standard cap lamps. It would not include any new requirements nor result in additional costs. For these reasons the Agency has not conducted a regulatory flexibility analysis and, in accordance with section 605(b) of the Regulatory Flexibility Act, certifies that the proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities.

III. Paperwork Reduction Act

This proposal does not contain information collection requirements subject to the Paperwork Reduction Act of 1980.

List of Subjects in 30 CFR Part 20

Mine safety and health, Electric mine lamps.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

Date: April 8, 1988.

Accordingly, it is proposed to amend Part 20, Subchapter O, Chapter I, of Title 30 of the Code of Federal Regulations as follows:

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

1. The authority citation to Part 20 would continue to read as follows:

Authority: 30 U.S.C. 957, 961.

2. Section 20.1 is proposed to be amended by redesignating paragraph (c) as (c)(1) and adding a new paragraph (c)(2) to read as follows:

§ 20.1 Purpose.

(c) * * *

(2) MSHA may approve electric lamps and flashlights that incorporate technology for which the requirements of this part are not applicable if MSHA determines by testing that the electric lamps or flashlights perform as safely as those which meet the requirements of this part.

3. Section 20.8 is proposed to be amended by revising paragraph (a)(1) to read as follows:

§ 20.8 Class 1 lamps.

(a) * * *

(1) *Safety device or design.* The lighting unit shall have a safety device to prevent the ignition of explosive mixtures of methane and air if the bulb glass surrounding the filament is broken. Alternatively, if the lamp is designed and constructed to prevent the ignition of explosive mixtures of methane and air by protecting the bulb from breakage and preventing exposure of the hot filament, no separate safety device is required.

[FR Doc. 88-8062 Filed 4-12-88; 8:45 am]

BILLING CODE 4510-43-M

30 CFR Parts 75 and 77

Certified and Qualified Persons

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise certain parts of the Mine Safety and Health Administration's (MSHA) existing procedures concerning temporary qualification and certification of persons who work at coal mines. Existing procedures limit temporary qualifications and certifications to six months, after which time reapplication must be made. The proposal would permit persons to be qualified or certified for as long as they continue to satisfy the requirements needed to obtain the certification or qualification, fulfill any applicable retraining requirements, and remain employed at the same coal mine or by the same independent contractor. The proposal would eliminate the six-month recertification requirement under certain circumstances, thereby, eliminating the unnecessary paperwork involved in the routine reapplication for certification and qualification of persons.

DATES: Written comments must be submitted on or before June 13, 1988.

ADDRESSES: Send written comments to MSHA, Office of Standards, Regulations and Variances, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA; phone: (703) 235-1910.

SUPPLEMENTARY INFORMATION:

I. Background Information

The Mine Safety and Health Administration is proposing to revise its existing procedures for temporary qualification or certification of persons at underground and surface coal mines. Under the Federal Mine Safety and Health Act of 1977 (Mine Act) and MSHA standards, persons who perform tasks related to miner safety and health which require specialized expertise are required to be either "certified" or "qualified" to carry out these duties. This proposal would affect certified persons who have the following job responsibilities: Mine foreman; assistant mine foreman; and preshift examiner. Qualified persons who operate steam and electric hoists would also be affected by this proposal.

Existing procedures and requirements for certified and qualified persons are set forth in §§ 75.100, 75.155, 77.100 and 77.105 of the Code of Federal Regulations (CFR). These existing standards recognize state certification and qualification programs. Thus, persons holding state-issued certification or qualification cards are authorized to perform the duties

prescribed for certified or qualified persons. However, where state programs are not available, the existing standards provide for MSHA to temporarily certify or qualify certain miners with special job responsibilities. Temporary certification or qualification is valid for six months.

Under the existing standards, persons must meet certain minimum experience requirements. Depending on the type of certification or qualification applied for, one to two years of general employment experience at a coal mine is required. For certified and qualified persons at underground mines, six months of that experience must have been in a specific job category and that experience must have immediately preceded the filing of the application. Applications for temporary certification and qualification must be made in writing to MSHA and must certify that the experience requirements have been satisfied. After initial certification or qualification, reapplication must be made twice a year in order for certified and qualified persons to continue to be authorized to perform their duties.

II. Discussion of the Proposed Rule

The proposed rule would delete the existing six-month limitation and would permit persons to be certified or qualified for as long as they continue to satisfy the requirements needed to obtain the certification or qualification, fulfill any applicable retraining requirements, and remain employed at the same coal mine or by the same independent contractor. This change would eliminate repetitive and unnecessary paperwork involved with reapplication. Under the proposal, when employment at a particular mine or with a particular independent contractor ends, the person's certification or qualification would lapse. At this point, the proposal would require that reapplication be made in order to assure that the experience requirements, as contained in proposed §§ 75.100(c)(1), 75.155 (a)(2) and (b)(2), 77.100(b)(2) and 77.105(a)(2) for qualified and certified persons are met. The proposal does not change the experience requirements for certification or qualification.

MSHA anticipates that some independent contractors would need to obtain an identification number from MSHA before they could submit persons they employ for certification or qualification. However, this impact should be minimal because most independent contractors, who submit applications for certification or qualification of persons, already have identification numbers. The Agency

specifically solicits comment on this issue.

In addition to these revisions, editorial changes would be made for consistency and clarity.

III. Executive Order 12291 and the Regulatory Flexibility Act

In accordance with Executive Order 12291, MSHA has considered the potential costs and benefits associated with the proposal in general and as they specifically impact small entities as required by the Regulatory Flexibility Act. Because the proposal would reduce paperwork burden hours and would make no substantive change to the requirements for certification or qualification, MSHA has determined that the proposal is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, wherever possible, compliance alternatives that minimize adverse impact on small businesses when developing regulatory proposals. The proposal would revise current reporting requirements to eliminate cumulative and burdensome paperwork concerning qualified and certified persons, which would directly benefit small as well as large coal mining operations while maintaining miner safety. For these reasons the Agency has not conducted a regulatory flexibility analysis and, in accordance with section 605(b) of the Regulatory Flexibility Act, certifies that the proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The proposal contains information collection requirements subject to the Paperwork Reduction Act of 1980. Under the existing requirements MSHA is receiving approximately 2,800 applications from mine operators annually. The cost to the government is approximately \$4,160 annually to process these applications. Mine operators spend approximately 1,400 hours annually preparing these applications.

Under the proposal, annual burden hours for mine operator compliance would be reduced by approximately 1025 hours. As a result of this reduction, costs to the government for processing applications would also be substantially reduced.

The collection of information requirements contained in this proposed rule have been submitted to the Office

of Management and Budget (OMB) in accordance with section 3504(h) of the Paperwork Reduction Act of 1980 (Title 44, U.S.C., Chapter 35). Comments regarding the collection of information requirements contained in this proposal should be sent to OMB, Office of Information and Regulatory Affairs, Room 3208 New Executive Office Building, Washington, DC 20503, Attention: Desk Officer for MSHA.

List of Subjects in 30 CFR Parts 75 and 77

Mine safety and health, Qualified and certified persons, Surface coal mines and surface work areas of underground coal mines, Underground coal mines.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

Date: April 8, 1988.

It is proposed that Title 30, Chapter I, Subchapter O, Parts 75 and 77 of the Code of Federal Regulations be amended as follows:

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

1. The authority citation for Part 75 would continue to read as follows:

Authority: 30 U.S.C. 811, 957 and 961.

2. It is proposed to amend § 75.100 by revising paragraphs (c)(1) and (c)(2) as set forth below:

Subpart B—Qualified and Certified Persons

§ 75.100 Certified person.

(c)(1) The Secretary may certify persons in the categories of mine foreman, assistant mine foreman, and preshift examiner whenever the State in which persons are presently employed in these categories does not provide for such certification. A person's initial certification by MSHA is valid for as long as the person continues to satisfy the requirements necessary to obtain the certification and is employed at the same coal mine or by the same independent contractor. The mine operator or independent contractor shall make an application which satisfactorily shows that each such person has had at least 2 years underground experience in a coal mine, and has held the position of mine foreman, assistant mine foreman, or preshift examiner for a period of 6 months immediately preceding the filing of the application, and is qualified to test for methane and for oxygen deficiency. Applications for Secretarial certification should be submitted in

writing to the Health and Safety Activity, Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colorado 80225.

(2) A person certified by the Secretary under this paragraph will be a certified person, within the meaning of the provisions of Subpart D of this part and § 75.1106 referred to in paragraph (a) of this section, as long as that person continues to satisfy the requirements needed to obtain the qualification or certification and is employed at the same coal mine or by the same independent contractor.

3. It is proposed to amend § 75.155 by revising paragraphs (a)(2) and (b)(2) as set forth below:

§ 75.155 Qualified hoisting engineer; qualifications.

(a) * * *

(2) If a State has no program for qualifying persons as steam-hoisting engineers, the Secretary may qualify persons for this purpose if the operator of the coal mine in which such persons are employed, or the independent contractor, makes an application and a satisfactory showing that each such person has had 1 year experience in operating steam-driven hoists and has held the position of hoisting engineer for a period of 6 months immediately preceding the application. A person's qualification is valid for as long as this person continues to satisfy the requirements necessary to obtain the qualification and is employed at the same coal mine or by the same independent contractor.

(b) * * *

(2) If a State has no program for qualifying person as electric-hoisting engineers, the Secretary may qualify persons for this purpose if the operator of the coal mine in which such persons are employed, or the independent contractor, makes an application and a satisfactory showing that each such persons has had 1 year experience in operating electric-driven hoists and has held the position of hoisting engineer for a period of 6 months immediately preceding the application. A person's qualification is valid for as long as this person continues to satisfy the requirements necessary to obtain the qualification and is employed at the same coal mine or by the same independent contractor.

* * *

PART 77—MANDATORY SAFETY STANDARDS—SURFACE COAL MINES AND SURFACE AREAS OF UNDERGROUND COAL MINES

1. The authority citation for Part 77 is proposed to be revised to read as follows:

Authority: 30 U.S.C. 811, 957 and 961.

2. It is proposed to amend § 77.100 by revising paragraph (b)(2) as set forth below:

Subpart B—Qualified and Certified Persons

§ 77.100 Certified person.

* * *

(b) * * *

(2) If this person has been certified for such purpose by the Secretary. A person's initial certification is valid for as long as the person continues to satisfy the requirements necessary to obtain the certification and is employed at the same coal mine or by the same independent contractor. The mine operator or independent contractor shall make an application which satisfactorily shows that each such person has had at least 2 years experience at a coal mine or equivalent experience, and that each such person demonstrates to the satisfaction of an authorized representative of the Secretary that such person is able and competent to test for oxygen deficiency with a permissible flame safety lamp and to test for methane with a portable methane detector approved by the Bureau of Mines, MESA, or MSHA, and Part 22 of this Chapter (Bureau of Mines Schedule 8c), and to perform such other duties for which application for certification is made. Applications for certification by the Secretary should be submitted in writing to the Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver, Colorado 80225.

* * *

3. It is proposed to amend § 77.105 by revising paragraph (a)(2) as set forth below:

§ 77.105 Qualified hoistman; slope or shaft-sinking operation; qualifications.

(a) * * *

(2) If a State has no program for qualifying persons as hoistmen, the Secretary may qualify persons if the operator of the slope or shaft-sinking operation makes an application and a satisfactory showing that the person has had 1 year of experience operating hoists. A person's qualification is valid for as long as the person continues to satisfy the requirements necessary to

obtain the qualification and is employed at the same coal mine or by the same independent contractor.

[FR Doc. 88-8064 Filed 4-12-88; 8:45 am]
BILLING CODE 4510-43-M

30 CFR Part 77

Mobile Equipment; Automatic Warning Devices

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The proposal would revise the Mine Safety and Health Administration's (MSHA) existing safety rule requiring devices on mobile equipment to automatically sound an audible warning when the equipment is operated in reverse (backup alarms). The proposal would clarify the existing rule to recognize the Agency policy and corresponding industry practice of not applying the standard to pickup trucks, provided that the driver of the vehicle has an unobstructed rear view. The proposal would also revise the existing standard to recognize the use of alternatives to audible automatic warning devices.

DATES: Comments on the proposal must be received by June 13, 1988.

ADDRESSES: Send written comments to the Office of Standards, Regulations and Variances, MSHA; Room 631, Ballston Tower No. 3; 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA; phone: (703) 235-1910.

SUPPLEMENTARY INFORMATION:

I. Background

The existing rule, 30 CFR 77.410, was promulgated on May 22, 1971. It requires that mobile equipment, such as front-end loaders, forklifts, tractors, and graders, be equipped with an automatic warning device which gives an audible alarm when the equipment is operated in reverse (backup alarm). The existing rule includes "trucks" and makes no mention of how the standard applies to pickup trucks.

MSHA has consistently applied the existing rule to large mobile equipment commonly used at mine sites. Most earth-moving haulage equipment used at coal mines has an appreciable area to the rear of the equipment that cannot be seen from the equipment operator's position. In some instances this area may be as much as 3,000 square feet. A

primary function of backup alarms is to compensate for this "blind spot" by warning persons who may be in that area that the operator is preparing to maneuver the equipment in reverse.

Pickup trucks have only a small area immediately behind the tailgate that cannot be seen from the driver's location. Therefore, it has consistently been MSHA policy to apply the backup alarm requirement to pickup trucks only when the equipment operator has an obstructed rear view.

The Agency is also proposing to allow two alternatives to traditional automatic warning devices. The alternatives would recognize the use of strobe lights in darkened conditions rather than audible warnings, and the use of devices which trigger audible warnings when obstructions are detected in the backup area. As discussed below, MSHA believes that the recognition of these alternatives has the potential to improve safety as well as provide flexibility in addressing the hazards presented when mining vehicles must be operated in reverse.

II. Discussion of the Proposed Rule

The proposal would modify the existing rule for backup alarms by allowing an exception for pickup trucks with an unobstructed rear view. This exception would not be applicable when an obstruction such as a large tool chest or other fixture is mounted on the pickup in a fashion that blocks the driver's rear view. The proposal would retain the requirement for audible automatic warning devices to be provided on mobile equipment such as forklifts, front-end loaders, tractors and graders and trucks.

In addition to clarifying operator compliance responsibilities, the proposed change would conform with MSHA's belief that unnecessary use of backup alarms at a mine site can detract from the overall safety purpose of the rule. The safety purpose of a backup alarm is to warn persons behind the mobile equipment that it will be operating in reverse. At a surface mine, or a surface area of an underground mine, a variety of large loading and haulage equipment is often present. Normal operation of this equipment typically involves frequent backup maneuvers, creating an environment in which the sound of backup alarms is regularly heard. Under these conditions, MSHA believes that the constant sounding of backup alarms in pickup trucks with an unobstructed rear view may contribute to persons becoming so accustomed to the sound of the alarms that the devices lose their intended

effect of alerting persons to potential danger.

Consistent with this approach, the Agency is also considering revision of this standard to recognize the use of alternatives to traditional backup alarms. These alternatives would reduce the amount of noise produced by traditional backup alarms and should provide equally effective safety protections.

Paragraph (a)(2) would allow use of discriminating backup alarms, commonly referred to as proximity devices. Recent advances in backup alarm technology have resulted in alarm systems which use infrared light, ultrasonics or radar to activate the alarm when a person or object is detected in the obstructed area of view. One of the advantages of these new systems is the fact that the alarm is only sounded when a hazard exists, instead of the constant-sounding conventional alarm system. To accommodate other advances in technology, the proposal would also permit the use of devices that are equally effective. Additional information on discriminating backup alarms is available from the U.S. Department of the Interior, Bureau of Mines, 2401 E Street NW., Washington, DC 20241 (see Technology News Bulletin No. 255, dated August 1986, and Information Circular No. 9079).

Paragraph (b) of the proposal would allow the use of a strobe light instead of an audible alarm when mobile equipment is operated at night. Many mines operate multiple shifts and, in some cases, the use of backup alarms may be restricted by local noise ordinances. MSHA believes that the use of a strobe light under darkened conditions can provide an effective safety alternative to audible warning devices.

MSHA seeks comment on the appropriateness of these alternative warning devices, and solicits further information on discriminating backup alarm systems or other types of backup alarms which may provide appropriate warning.

III. Executive Order 12291 and the Regulatory Flexibility Act

This rulemaking would not result in major cost increases or have an incremental effect of \$100 million or more on the industry. Therefore, the proposal is not a major rule under Executive Order 12291, and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, whenever possible, compliance alternatives that minimize adverse

impact on small businesses when developing regulatory proposals. The proposal incorporates alternatives to assist small mines. For these reasons the Agency has not conducted a regulatory flexibility analysis and, in accordance with section 605(b) of the Regulatory Flexibility Act, certifies that the proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

This proposal does not contain collection of information requirements subject to the Paperwork Reduction Act of 1980.

List of Subjects in 30 CFR Part 77

Mine safety and health, Automatic warning devices, Mobile equipment.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health

Date: April 8, 1988.

Accordingly, Part 77, Subchapter O, Chapter I, Title 30 of the Code of Federal Regulations is proposed to be amended as follows:

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

1. The authority citation for Part 77 is proposed to be revised to read as follows:

Authority: 30 U.S.C. 811, 957 and 961.

2. Section 77.410 is proposed to be revised to read as follows:

§ 77.410 Mobile equipment; automatic warning devices.

(a) Mobile equipment such as front-end loaders, forklifts, tractors, graders, and trucks, except pickup trucks with an unobstructed rear view, shall be equipped with a warning device that:

(1) Gives an audible alarm when the equipment is put in reverse; or

(2) Uses infrared light, ultrasonic waves, radar, or other effective devices to detect objects or persons at the rear of the equipment, and sounds an audible alarm when an obstruction is detected. This type of alarm shall include a device which indicates to the driver that it is operational.

(b) An automatic reverse-activated strobe light can be substituted for an audible alarm when mobile equipment is operated at night.

[FR Doc. 88-8063 Filed 4-12-88; 8:45 am]

BILLING CODE 4510-43-M

Wednesday
April 13, 1988

Part V

**Environmental
Protection Agency**

40 CFR Parts 22 and 24

**Issuance of and Administrative Hearings
on RCRA Section 3008(h) Corrective
Action Orders for Hazardous Waste
Management; Final Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 22 and 24**

[FRL-3315-9]

Issuance of and Administrative Hearings on RCRA Section 3008(h) Corrective Action Orders for Hazardous Waste Management Facilities**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This rule establishes procedures which are to govern the conduct of administrative hearings requested, pursuant to section 3008(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), by recipients of interim status corrective action orders issued under authority contained in section 3008(h) of RCRA.

EFFECTIVE DATE: This rule becomes effective on April 13, 1988.

FOR FURTHER INFORMATION CONTACT: Steve Botts, Mail Code LE-134S, Office of Enforcement and Compliance Monitoring, Waste Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Phone (202) 382-5787.

SUPPLEMENTARY INFORMATION:**I. Authority**

Today's final rule has been issued under authority of sections 2002 and 3008 of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6912 and 6928.

II. Background

In 1984 Congress enacted the Hazardous and Solid Waste Amendments (HSWA) to RCRA. Included in 3008(h) of RCRA, as amended, was new authority for EPA to issue orders requiring corrective action or such other response measures as the Agency deems necessary to protect human health and the environment to interim status facilities treating, storing, or disposing of hazardous waste, at which releases of hazardous waste or constituents occur. Under section 3008(b) of RCRA a 3008(h) order becomes final and effective unless within 30 days of service of the order, the recipient requests a hearing. Today EPA promulgates a final rule containing procedures which govern the issuance of RCRA section 3008(h) orders and, with certain exceptions noted in § 24.01 of the rule, the conduct of administrative

hearings requested by the recipients of such orders.

A proposed version of this rule was published in the *Federal Register* on August 6, 1987, along with an invitation to interested members of the public to comment on the proposed rule. The proposed rule established a two-tiered set of procedures for administrative hearings on 3008(h) orders. These procedures contemplate hearings generally less formal than the full adjudicatory hearings currently required by 40 CFR Part 22 (Part 22) on compliance orders issued pursuant to RCRA section 3008(a). Where the initial 3008(h) order in question directs respondent to undertake (1) studies of the nature and extent of releases of hazardous waste/constituents or (2) studies of the available alternatives for remediating such releases, either alone or in conjunction with certain limited interim corrective measures, the procedures appearing in Subpart B of the rule are to govern the conduct of the hearing. Where the initial 3008(h) order requires respondent to undertake specified corrective measures (other than certain limited interim corrective measures alluded to above), either alone or in conjunction with investigatory studies, the procedures appearing in Subpart C of the rule are controlling. The Subpart B and C procedures are similar. However, the Subpart C procedures make more formal provision than the Subpart B procedures for submission of evidence/argument before and at a hearing and afford respondent an opportunity (not available under Subpart B) to pose written questions on disputed factual matters to the EPA office issuing the initial order.

III. Major Revisions to the Rule

A number of comments on the proposed rule were received from representatives of the regulated community, trade associations, and environmental interest groups. While the basic approach and structure of the rule remains unaltered, the public comments have prompted EPA to make several important changes in the language of the rule. Perhaps the most significant change entailed adoption of an explicit requirement that the entire administrative record underlying the initial order be made available in the appropriate EPA Regional or Headquarters office for inspection by respondent (and the public) as of the date the initial order is served. While this requirement had already been incorporated into guidance issued by the Agency, the proposed rule left the impression that the administrative record was not to be made available for

review until the hearing. The final rule also makes clear that the administrative record must contain all information considered by the Agency in the process of developing the order, regardless of whether the information does or does not support the conclusions reached and relief sought by the Agency in the order.

Other important revisions have been made in the rule. For example, the final rule now affords the parties an opportunity to comment on the recommended decision of the Presiding Officer. Although the hearings provided for in this rule are not required by statute to be "on the record," will be informal in nature, and hence are not subject to the requirements of the Administrative Procedure Act (APA), the decision to allow the parties to comment on the recommended decision comports generally with the practice required under section 557 of the APA and is calculated to eliminate errors in Agency decisionmaking by insuring that the parties are given the chance to identify possible errors in the recommended decision and bring them to the Agency's attention before a final decision is issued.

Additional changes in the rule made in response to public comment include elimination of the requirement that respondent make all factual representations in the proceeding by affidavit, inclusion of a prohibition on ex parte discussions between the Presiding Officer and the parties, and adoption of language designed to further ensure the neutrality of the Presiding Officer. Further details on these and other revisions in the rule are contained in the summary of and responses to the public comments which follow (See IV of the Preamble).

In addition to changes made in response to public comment the Agency has made two technical changes in the regulations. First, a provision has been added requiring the respondent to briefly indicate in its response to the initial order the basis upon which it disputes any given factual or legal determination or relief provision in the order. This was done principally to ensure that in a Subpart B proceeding, where respondent chooses not to file pre-hearing submissions, the Agency would have some notice prior to hearing of the reasons why respondent is challenging the order. Secondly, a provision has been inserted which would allow the Presiding Officer in a Subpart B hearing to pose questions to representatives of either party. This was done to correct an inadvertent omission in the proposed rule and to clarify the Presiding Officer's authority to pursue

legal or factual issues which the parties have not fully developed at the hearing.

IV. Responses to Comments

Need for Full Adjudicatory Hearings

1. *Comment:* In order to satisfy the requirements of procedural due process, full adjudicatory hearings are required on orders issued under RCRA section 3008(h) seeking to compel a respondent to either undertake investigations or implement corrective measures. This is true because such orders will place substantial property interests at stake and will raise issues of material fact (e.g., regarding existence of a release, need for specified corrective measures, fate and transport of contaminants, hydrogeology at the site, etc.), which can only be resolved through discovery and cross-examination of witnesses. The suggestion in the preamble to the proposed rule that issues of material fact will not generally be presented in hearings on 3008(h) orders is false and is contradicted by the statement elsewhere in the preamble that "legal, policy, and technical issues" will be presented in such hearings. In weighing (as it did in the preamble to the proposed rule) the factors set forth in *Matthews v. Eldridge*, 424 U.S. 319 (1976) (which establish how much process is due a respondent in an administrative hearing) it is inappropriate for EPA to place considerations of convenience to the Agency above the need to provide a full and fair hearing to respondent.

Response: As noted in the preamble to the proposed rule the question of whether due process demands full adjudicatory hearings on 3008(h) orders requires the Agency to weigh the factors cited in *Matthews v. Eldridge*. As here pertinent, those factors are, on the one hand, EPA's interest in avoiding (1) the resource outlay and (2) delay in providing response to releases of hazardous waste/constituents necessitated by preparation for and participation in full adjudicatory hearings and, on the other, (1) the costs to respondent of undertaking corrective action and (2) the risks that respondent might be forced to unnecessarily incur such costs because the rules promulgated here today do not contain adequate provision for the resolution of those factual disputes, which are likely to arise at hearing.

Looking first at the potential burden on and risks to respondent, EPA notes that the costs of corrective action to be imposed on respondent can be expected to range from the relatively minor costs associated with implementation of certain corrective measures (e.g., erection of a fence around the

contamination) or small studies of the nature and extent of contamination produced by limited releases of hazardous waste/constituents to the very high costs (which will sometimes be measured in the millions of dollars) of implementing technically complex remedies at highly contaminated sites.

As commenters have pointed out and the Agency acknowledged in the preamble to the proposed rule, EPA anticipates that 3008(h) proceedings will certainly present some factual issues for resolution. However, EPA believes that 3008(h) cases will present fewer factual issues than the typical case involving an RCRA section 3008(a) compliance order, where questions as to whether certain events or violations occurred, the timing of such events/violations, the seriousness of the violation, the economic benefit to respondent of the violation, etc. are routinely raised. More importantly, EPA believes that the factual disputes arising in the course of a 3008(h) proceeding will relate almost entirely to technical (or policy) matters of just the type highlighted by commenters (e.g., has a release of hazardous waste/constituents occurred? Are the corrective measures proposed by EPA warranted? Where has contamination migrated? Is EPA's characterization of hydrogeological conditions at the site accurate?). In resolving such technical disputes there will be little need to establish witness veracity or credibility through observation of a witness's demeanor on cross-examination. On the contrary, we believe, and the structure of these rules is premised on our belief, that such technical questions can just as easily (perhaps more effectively) be resolved through analysis of the administrative record and the written submissions and oral statements of the parties. By the same token, formal discovery will not be necessary because, as explained later, respondent will have access to the entire administrative record (exclusive of certain privileged materials) underlying the Agency's order.

Turning now to the Agency's interest in expediting cleanups and minimizing the costs it incurs in participating in 3008(h) proceedings, EPA notes first that, in order to protect human health and the environment, cleanups compelled pursuant to RCRA section 3008(h) will often have to be expedited in just the way that "removal" actions (and less often "remedial" actions) conducted pursuant to the provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), are expedited. Lengthy administrative

proceedings, which include extensive discovery and cross-examination, are not only unnecessary from a due process standpoint; they are also incompatible with the need to accomplish cleanups quickly before contamination spreads or adverse health/environmental impacts occur.

EPA also anticipates that the resource burden that would otherwise be imposed on the Agency by the need to prepare for and participate in full adjudicatory hearings will be substantially eased by adoption and use of the instant hearing procedures. In the full adjudicatory hearings held on RCRA section 3008(a) orders, EPA must often produce expert witnesses (e.g., toxicologists, hydrogeologists, financial analysts) and Agency employees to testify as to how inspections were conducted, records compiled and other similar matters. These witnesses must be paid to travel to hearings, must be prepared for hearing, and will be lost for other useful purposes during the period when they must be available for hearing. The attorneys representing the Agency in such adjudicatory hearings must devote considerable time to preparing witnesses, preparing direct and cross-examination, and other activities not required for the informal hearings provided for herein. Similar travel, witness, hearing preparation, and related costs would be required if the Agency were to provide a Part 22 hearing to the recipient of a 3008(h) order. It is projected that roughly half of the cost to the Agency of participating in full adjudicatory hearings will be saved by holding hearings under the procedures we promulgate today. These projections are based not only on Agency experience with RCRA and other administrative hearings conducted pursuant to Part 22 but also on Agency experience under CERCLA. Recent amendments to CERCLA permit the Agency to submit the administrative record supporting the Agency's remedy selection decisions to a court in lieu of presenting the stream of Agency employees and experts needed to substantiate such remedy selection decisions in the past. The savings in litigation costs to the Agency from adoption of this new procedure have been substantial—on the order of 50 percent or more of previous totals.

Accordingly, it is not simply considerations of convenience to the Agency that have prompted us to adopt less formal hearing procedures for 3008(h) proceedings. Rather, that decision was based on (1) the need to respond quickly to releases of hazardous waste/constituents, (2) the

fact that the costs to the Agency of adopting formal adjudicatory procedures would be such as to significantly impair the Agency's ability to enforce the provisions of RCRA section 3008(h), and (3) our conviction that the factual issues presented in such proceedings will be technical in nature and hence susceptible to resolution through the written procedures and informal hearing provided for under the rules.

2. *Comment:* The language of and legislative history surrounding RCRA section 3008(h) require that the same kind of hearing be held on RCRA section 2008(a) and 3008(h) orders. The statement in RCRA section 3008(b) that the Agency may issue subpoenas for the attendance of witnesses and production of documents and may promulgate discovery procedures indicates that Congress intended that full adjudicatory hearings would be held on all 3008 orders.

Response: The plain language of section 3008(b) requires nothing more than a "public hearing." The only relevant piece of legislative history is the statement of Senator Chafee, sponsor of the new language in HSWA amending 2008(b), that "that procedures set forth in subsection (b) [of section 2008] are made applicable to orders issued under [section 2008(h)]." This statement does not (as commenters suggest) refer to the Part 22 hearing procedures promulgated by EPA pursuant to authority contained in section 3008(b) but rather merely indicates that those procedures in 3008(b) making orders final unless within 30 days of issuance respondent requests a hearing have been extended to 3008(h) orders as well as 3008(a) orders.

As to the suggestion that Congress intended full adjudicatory hearings, it should be sufficient to point out that Congress said in 3008(b) that the Agency "may" promulgate discovery rules, clearly suggesting that hearing which did not contain this feature most commonly associated with adjudicatory hearings would also be acceptable. Since subpoenas are routinely employed in legislative as well as adjudicatory hearings, the affirmation (in section 3008(b)) of the Agency's right to issue subpoenas also in no way implies a Congressional preference for full adjudicatory hearings. Thus, EPA continues to believe that the less formal procedure promulgated today is fully consistent with the statutory language of section of section 3008 and Congressional intent.

3. *Comment:* Given the potentially high cost of conducting a remedial

investigation and implementing interim corrective measures, there is no basis for affording respondent less process in Subpart B ("study order") hearings than in Subpart C ("remedy order") hearings.

Response: The changes made in response to comments narrow the differences between Subpart B and C hearings. The principal remaining distinction is that the Subpart C procedures permit respondent to pose written questions to EPA, whereas the Subpart B procedures do not. The Subpart C procedures also require the filing of certain pre-hearing submissions, while the Subpart B procedures make this optional. The Subpart B respondent is thus allowed fewer opportunities than the Subpart C respondent to ask questions relating to material factual issues and the explore the basis for the order.

EPA believes this distinction is warranted because at the stage of a 3008(h) proceeding at which a remedial investigation or interim corrective measures are ordered there is generally very little known about the nature and extent of contamination at the facility and thus very little for the parties to argue over. Factual disputes at this stage can be expected to focus on the question of whether a release has occurred. By the same token an Agency order directing a respondent to undertake a Corrective Measures Study (which will simply explore and compare remedial alternatives) is expected to raise few issues of fact. The opportunities afforded respondent to review the order and administrative record, make written pre-hearing submissions, request an informal settlement conference at which the basis for the Agency order can be explored in some depth, make oral presentations at hearing, and (with the Presiding Officer's permission) pose questions to the Agency's representative(s) at hearing should in combination be sufficient to (1) thoroughly inform respondent as to the basis of the Agency's order, and (2) permit respondent to respond in detail to the factual and legal arguments which underlie the Agency's order. Also, EPA expects that the orders which will be the subject of a Subpart B hearing will ordinarily have a less significant impact on respondent's property interests than the remedial orders subject to the Subpart C procedures.

Jury Trial

4. *Comment:* The recent Supreme Court decision in *Tull v. United States*, 95 L. Ed. 2d 365 (1987) requires that respondent be afforded a jury trial in any proceeding in which a civil penalty is sought.

Response: Footnote 4 to the opinion of the court in *Tull* reads as follows: "The court has also considered the practical limitations of a jury trial and its functional compatibility with proceedings outside traditional courts of law in holding that the Seventh Amendment is not applicable to administrative proceedings." *Id.* at 373, n.4. Accordingly, the decision in *Tull* has no bearing on the requirement in the rule that hearings on 3008(h) orders seeking penalties be held under the existing hearing procedures contained in Part 22.

Issuance of the Initial Order

5. *Comment:* The rules should spell out more clearly which EPA official will issue the initial 3008(h) order.

Response: The unspoken but apparent concern of the commenter is that a low-level Agency official acting without proper review might be permitted under the rules to issue an initial 3008(h) order. The pertinent Agency RCRA delegation (No. 8-32) empowers the Regional Administrator and Assistant Administrator for Solid Waste and Emergency Response to issue initial 3008(h) orders and allows these individuals to redelegate that authority. Given the fact that authority conferred on Regional Administrators to issue RCRA section 3008(h) orders has uniformly been reposed (by redelegation) in individuals at or above the Hazardous Waste Division Director level, we believe that there is no cause for concern that Regional Administrators or the Assistant Administrator will redelegate authority to issue corrective action orders to low-level Agency officials. Accordingly, we have decided that the actual designation of the official who will issue initial 3008(h) orders should continue to be left in the rules, as it is in the pertinent Agency delegation, to the Regional Administrators and the Assistant Administrator for Solid Waste and Emergency Response. This approach comports with that now followed in the Part 22 hearing procedures.

Service of Orders, Decisions, Rulings, and Documents

6. *Comment:* In order to eliminate the possibility that orders, decisions, or other documents might be served on low-level corporate officials, the rules should require that service be made upon that representative of respondent designated to receive service of process, not simply on respondent's "representative."

Response: The rules as revised follow the Part 22 procedure, under which

service is to be made upon respondent, his representative, or, in the case of a corporation, partnership, or unincorporated association, upon an officer, partner, managing or general agent, or other person authorized by appointment or Federal or State law to receive service of process.

Choice of Hearing Procedures

7. *Comment:* The rules should employ a clearer standard for determining when hearings on 3008(h) orders directing respondent to undertake studies and interim corrective measures are to be held under the Subpart B or Subpart C procedures. The respondent should have input into the decision as to which hearing procedures are to be utilized.

Response: The rules currently provide that hearings on orders requiring respondent to undertake studies and interim corrective measures are to be held under the Subpart B procedures, if such interim measures are neither costly nor technically complex and are needed to protect human health and the environment prior to development of a permanent remedy. The thought behind adoption of this standard was that a hearing which would otherwise be conducted under the Subpart B procedures should not be required to be held under the more time-consuming and formal Subpart C procedures, merely because the order in question directed respondent to implement certain limited corrective measures which did not place major property interests at stake and were not fraught with complex technical questions for which the Subpart C procedures would be more appropriate. EPA continues to believe that these criteria provide the appropriate basis for determining which hearing procedures to employ. The fact that these criteria require the decisionmaker to make occasional subjective judgments is not in itself grounds for abandoning or modifying the criteria.

In order to answer the commenter's concern that respondent have a role in the selection of the proper hearing procedures, the rules have been amended (1) to require that the Agency indicate in the initial order which hearing procedures it believes to be appropriate and the reasons therefore, and (2) to permit respondent to provide its views on this question with its response to the initial order and request for hearing. The Presiding Officer can then weigh the positions of both parties in deciding which procedures to employ. The Presiding Officer can inform the parties which hearing procedures will be used at the same time that he transmits to them information concerning the date,

time, location, and agenda for the hearing.

Deadlines Established in the Rule

8. *Comment:* The deadlines established in the rule (and in particular the provision which permits EPA responses to written questions to come in as late as 7 days before hearing) do not afford respondent adequate time to prepare for a hearing.

Response: The time frames within which respondent must prepare its case do not seem unduly tight. Respondent does not even have to request a hearing for 30 days after service of the initial order. Respondent thus has 30 days plus the period between receipt of its hearing request and the hearing date to prepare for hearing. If the Presiding Officer determines that respondent's ability to prepare is unfairly prejudiced by any deadline other than that for requesting a hearing or by the fact that EPA responses to written questions will come in too late to permit proper review and response by respondent before hearing, the rules permit the Presiding Officer to adjust the pre-hearing schedule accordingly or postpone the hearing date.

9. *Comment:* The rules should be changed so as to permit, where good cause is shown, extensions in the time period within which a hearing must be requested.

Response: Since RCRA section 3008(b) provides that orders issued under section 3008 shall become final unless no later than 30 days from service respondent requests a hearing, the Agency is not at liberty to extend this particular deadline.

Qualifications of the Presiding Officer

10. *Comment:* The rules should require that the Presiding Officer always be an Administrative Law Judge or at least an attorney and should contain additional guarantees of the neutrality of the Presiding Officer. The rules as drafted are unfair in that they would permit an EPA enforcement attorney (including one with intimate prior contact with a proceeding short of drafting the initial order) to serve as the Presiding Officer in either a Subpart B or C hearing.

Response: In view of (1) the fact that the Presiding Officer will be called upon to prepare a recommended decision which, in the case where it is adopted and signed by the Regional Administrator, may in effect constitute the Agency's final decision, and (2) the need to ensure for purposes of appeal that the final decision accurately reflects the legal and factual basis for the Agency's decision, EPA has on reconsideration revised the rule to

require that the Presiding Officer in a Subpart B hearing be an attorney. EPA believes that an attorney would generally be more effective and comfortable than a non-attorney both ruling and drafting decisions on legal issues and conducting a hearing, albeit and informal one.

To further ensure the neutrality of the Presiding Officer in both Subpart B and C hearings, the rule has been revised to require that the Presiding Officer always be an individual with no prior connection to the case before him. The Agency has determined that a decision to require that only non-enforcement attorneys serve as Presiding Officers is precluded by the fact that many EPA Regional offices employ no attorneys who do not have enforcement responsibilities. Expected cost savings would be negated if the Agency were required to pay the travel and subsistence costs necessary to make non-enforcement attorneys from Headquarters or Regions employing them available where they were needed as Presiding Officers. EPA does not, in any event, regard prior involvement in any enforcement work as grounds for disqualifying an individual from serving as a hearing officer.

The Agency's decision to employ Agency attorneys rather than Administrative Law Judges as hearing officers is based in part on resource concerns but is principally grounded on our belief that Administrative Law Judges, whose experience is in conducting formal adjudicatory hearings, are not needed to preside over the informal hearings contemplated by these rules.

Use of Affidavits

11. *Comment:* The rules are unfair in that they require respondent to submit all factual representations by affidavit but impose no such requirement on EPA.

Response: EPA agrees and has stricken from the rules those provisions requiring respondent to make factual representations by affidavit. We have instead adopted the procedure specified in the Part 22 procedures, under which the original of any pleading, letter, or other document (other than exhibits) must be signed by the party offering it or his representative. This signature is held to constitute a representation by the signer that he has read the document and that to the best of his knowledge, information, and belief the statements made therein are true. It should nevertheless be noted that, whenever a party makes factual representations in a document, the weight to be accorded that evidence may be affected by the

fact that no knowledgeable source has attested to the accuracy of or basis for that factual representation.

Discovery

12. *Comment:* It is unfair that, while EPA has the right to elicit information from respondent under RCRA section 3007, respondent has no right to discovery under the proposed rules.

Response: Respondent may (with the Presiding Officer's permission) pose written questions to EPA prior to a Subpart C hearing and oral questions to EPA representatives at a Subpart B hearing. Respondent also has access to the entire administrative record from the time an initial order is issued forward. It is on the basis of information contained in the administrative record that EPA will have framed the initial order. The rules also required EPA to indicate in an initial order the legal authority and factual basis upon which the order is premised. EPA believes that the above-cited features of the rules will ensure that respondent understands EPA's theory of the case and has access to all relevant information upon which EPA relied in developing the order. In these circumstances we believe that further discovery is unnecessary. To permit formal discovery (additional interrogatories, depositions, requests for admission, etc.) as requested would be to extend the time frame for the pre-hearing process dramatically and the scope of discovery beyond what is now provided for in the formal adjudicatory procedures contained in Part 22.

3007 is comparable to many other provisions in the law which confer on agencies charged with enforcing the law authority to gather information relating to potential violations of the law. Without such authority many violations of RCRA would go unidentified. We regard the fact that EPA has been given a statutory tool to enable it to enforce the law as irrelevant to a decision as to whether due process or other considerations require that respondent be permitted to engage in additional discovery in 3008(h) administrative proceedings.

13. *Comment:* The proscription in the rules on written questions relating to matters of "policy" and "privileged internal communications" is inappropriate, since these terms are undefined and questions relating to the application of policy to the specific facts of a case will often be critical to the dispute.

Response: The underlying rationale for the proscription in the rule on "policy" questions was that written questions only serve a useful function (from the standpoint of satisfying due

process requirements) when they relate to disputed matters of fact. After further consideration, however, we are persuaded that, as commenters suggest, there may be situations in which questions as to the application of policy to certain facts may be appropriate. We have therefore removed the ban on policy questions from the rule.

The prohibition on questions relating to "privileged internal communications" is designed to protect from disclosure information which the Agency would not under applicable law be required or permitted to release in response to a request for information made pursuant to the Freedom of Information Act (FOIA). Such information will most often include, but is not limited to, trade secrets, attorney-client communications, attorney work product, and deliberative materials. Because such material is protected from disclosure, questions on such issues will not be permitted. The scope of this limitation is not undefined, since it reflects the extensive case law concerning these exemptions under FOIA.

14. *Comment:* The rules should require, not just permit, the Presiding Officer to direct EPA to respond to written questions propounded under the Subpart C procedures, if he determines that this is "required for full disclosure and adequate resolution of the facts."

Response: Because it was inartfully drafted, the language of the proposed rule left the impression that the Presiding Officer could find that responses to written questions were required for full disclosure and adequate resolution of the facts but could nevertheless decline to order responses to such questions. The offending language has been revised so as to dispel this impression.

15. *Comment:* The Subpart C procedure for posing written questions to the Agency will not provide respondent with adequate discovery, because experience with interrogatories indicates that responses to written questions are often incomplete.

Response: In a case where the Presiding Officer determines that EPA's responses to written questions are incomplete, he may exercise (1) the authority he has always had in § 24.14(e) of the proposed rule to compel the Agency "to submit additional information in whatever form he deems appropriate", (2) the authority he has to ask questions under § 24.15(a) of the rule to compel a fuller response from the Agency's representative(s) at hearing, or (3) new authority inserted into § 24.14(e) to require that the Agency (or both parties) submit post-hearing briefs on issues which have not been fully

developed as of the close of the hearing. We believe the cited provisions of the rule can be invoked as needed by the Presiding Officer to ensure that the Agency provides a full response to any proper question.

Conduct of the Hearing

16. *Comment:* The Presiding Officer should be required to serve the hearing agenda on the parties prior to hearing.

Response: Both the Subpart B and Subpart C procedures have been rewritten to require that the Presiding Officer provide the parties with a hearing agenda at the time at which he announces to them the date, time, and location of the hearing.

17. *Comment:* The hearing procedures are deficient in that they do not require knowledgeable witnesses from both sides to be present.

Response: While the rules do not accord the parties the right to cross-examine the opposition's representatives and thus do not contemplate that "witnesses", as that term applies to full adjudicatory hearings, would attend the hearing, the rules do allow the Presiding Officer and (with his permission) the parties in a Subpart B hearing to pose questions to a party's representative(s) at hearing. In recognition of this fact the rules have been revised to explicitly require what was only implicit in the proposed rule—that each party must be represented at hearing by a representative(s) capable of responding to questions and articulating that party's position on the law and facts of the case.

18. *Comment:* The fact that the rules permit a tape recording of a hearing in lieu of a transcript is problematical in that tape recordings are usually of poor quality and make identification of the speaker difficult.

Response: Although a stenographically transcribed record of a hearing may, generally speaking, be more reliable than a tape recording, we nevertheless believe that a tape recording will provide an adequate record of the hearing and that, in light of the additional cost to the Agency of providing for stenographically transcribed records, the decision to permit tape recordings is justified.

Administrative Record

19. *Comment:* The rules should require that the entire administrative record underlying an order (including materials which do and do not support the Agency's theory of the case and remedial decisions) be served upon or made available to respondent upon service of the initial order. The rules

currently suggest that only that portion of the administrative record supporting the order is to be made available and then not until the hearing is held. EPA should certify the completeness of the administrative record.

Response: As explained above, the rule has been revised to accommodate this comment by explicitly requiring that the entire administrative record be made available for review in the appropriate Regional (or Headquarters) office as of the date of service of the initial order. The administrative record should include all information (excluding privileged material) considered by the Agency in the process of developing and issuing the order, including material which does not support the Agency's view of the case and remedial decisions. We believe that it would place an undue administrative and financial burden on the Agency to copy and serve on the respondent the entire administrative record, which may often consist of thousands of pages of information. Since the rules require that the entire administrative record be made available for inspection, we believe it would be redundant to have an Agency official certify the completeness of the administrative record.

Burden and Standard of Proof

20. *Comment:* By depriving respondent of access to the administrative record until hearing and by failing to require that the initial order contain an explanation of the basis upon which it was issued, the rules force respondent to guess at the Agency's theory of the case and effectively transfer the burden to respondent to demonstrate that a release of hazardous waste has not occurred and that the ordered corrective action is not necessary to protect human health and the environment.

Response: Guidance issued to the Regions on February 19, 1987, directs the EPA Regional office issuing an initial order to make the administrative record underlying the order available for review in the appropriate Regional office as of the date the initial order is served. By way of clarifying the Agency's intentions in this regard, this requirement from guidance has, as noted, been incorporated into the rule. The rule has also been revised to explicitly require that the Agency disclose in the initial order the legal and factual bases upon which the order was issued.

21. *Comment:* Rather than simply demonstrating, as the proposed rule now requires, that there is "adequate support" in the record for the order, EPA should have to prove by a preponderance of the evidence that a

release occurred and that the required corrective action is necessary to protect human health and the environment.

Response: While EPA believes that "adequate support" is a comparable standard, we believe that "preponderance of the evidence" carries a more widely understood meaning. Accordingly, EPA has amended the rule to require that the Presiding Officer recommend that the order be withdrawn or modified and issued in a form supported by the record, whenever he finds any relief provision in the order is not supported by a preponderance of the evidence in the record.

Decisional Process

22. *Comment:* The rule should be revised to prohibit ex parte contacts entirely.

Response: The decision was made in the proposed rule to permit ex parte contacts because it was thought that the Presiding Officer should have the ability to contact either party for clarification of their positions or to obtain answers to questions about difficult technical or legal matters. On further consideration the Agency has concluded that the proper way for the Presiding Officer to obtain answers to such questions is by convening the parties for a status conference or teleconference. This is a slightly more cumbersome procedure but one calculated to remove even the appearance of undue influence which might arise in the case of an ex parte contact.

The rule has been revised to prohibit ex parte discussion of the case between the Presiding Officer and any of the parties. We have retained language from the proposed rule which would require that, in the event that ex parte contact between the Presiding Officer and a party occurs, the opposing party be provided with a summary of the communication and an opportunity to comment on matters which were the subject of the ex parte communication. This approach comports generally with that followed in Part 22.

23. *Comment:* The final order and any summary of the hearing prepared by the Presiding Officer should contain a statement as to the legal and factual basis upon which the order was issued.

Response: Commenter's concern here appears to be that a final order could not properly be appealed into Federal court, if the legal and factual basis for the order was not known. As indicated above, the rules have been modified to explicitly require that the initial order contain a statement as to the legal and factual basis upon which the order was issued. Thus, if an initial order becomes final by virtue of the fact that no hearing

is requested within 30 days of service, the final order will contain a statement of the legal and factual basis upon which it was ordered.

The proposed rule already required that any recommended decision prepared by the Presiding Officer provide support from information contained in the record or adduced at hearing for any decision to affirm, modify, or withdraw the initial order. This language has been retained. Thus, if the Regional Administrator signs the recommended decision, the final decision will contain a justification (that prepared by the Presiding Officer) for such final decision. The rules have also been modified to explicitly require that, where the Regional Administrator modifies the recommended decision of the Presiding Officer, he ensure that the final decision indicate the legal and factual basis for the decision as modified.

While the rules require the order to be modified before issuance as a final order so as to comport with a final decision modifying the initial order, it is not contemplated that the portion of the body of the order containing a justification for the order would necessarily have to be modified. That justification for issuance of the final order (to the extent it is important to know it for purposes of an appeal into Federal court) should be contained in the final decision.

24. *Comment:* The rule should require that the hearing summary prepared by the Presiding Officer more completely address the positions and arguments of both parties, not just those of respondent.

Response: The provision in question (§ 24.12(a)) only establishes minimum requirements for the hearing summary. Since § 24.02 has been amended to require that the Agency articulate in the initial order the legal and factual basis for the initial order, we believe that at the time the hearing summary is prepared the Agency's views will generally already be a matter of record. To the extent that this is not the case the summary should also address EPA's positions.

The recommended decision, which the Presiding Officer is required to prepare, must still address all arguments raised by respondent and provide support for any recommendation to affirm, modify, or withdraw the order. In preparing this statement the Presiding Officer must necessarily address material aspects of EPA's position in the case to the extent required to explain why respondent's arguments have been accepted or

rejected and why EPA's order should be affirmed, modified, or withdrawn.

25. Comment: Respondent and EPA should each be served with a copy of the Presiding Officer's recommended decision and should have the opportunity to comment on the recommended decision before the Regional Administrator issues a final decision.

Response: Since (1) the proposed change allows the parties a final opportunity to identify, and the Regional Administrator a last chance to hear from the parties about, factual and legal errors in the recommended decision, and (2) the procedures do not allow an administrative appeal from the Regional Administrator's final decision and thus contain no other mechanism for discovering or reversing error, EPA has amended the rules to provide that the recommended decision be served on the parties and that the parties be given 3 weeks from service to comment on the recommended decision.

Public Participation

26. Comment: The rules should make provision for public participation in hearings. The public should receive notice of the hearing request and should have rights virtually coextensive with respondent's to present evidence and argument before, at, and after the hearing.

Response: Guidance issued by the Agency accords the public the right to participate prior to hearing in remedy selection, which is the critical issued and matter of greatest public concern in a RCRA 3008(h) proceeding. The public will be given an opportunity to comment on the proposed plan for corrective measures developed by EPA after completion of the RCRA Facility Investigation and Corrective Measures Study and will receive notice of the Agency's final plan for corrective measures prior to implementation. EPA believes that to permit additional public participation in the hearing process would be redundant and inconsistent with the Agency's objective of streamlining the hearing.

Specificity of the Rules

27. Comment: The Part 22 hearing procedures are superior to the proposed procedures in that they spell out the details of the hearing more precisely and leave less to the discretion of the Presiding Officer. The Part 22 procedures are sufficiently flexible to allow for an abbreviated hearing if, in fact, the 3008(h) proceeding in question involves only a few factual issues.

Response: The proposed procedures have intentionally left more to the

discretion of the Presiding Officer than Part 22 does, so as to permit a flexible approach to hearings on orders which may request relief ranging from small studies of limited spills or inexpensive interim corrective measures (e.g., erection of a fence or warning signs), on the one hand, to complex and expensive remedies, on the other. The procedures as amended are nevertheless specific enough to ensure that, regardless of the costs or complexity of the requested relief, respondent is afforded (1) an opportunity to learn the legal and factual basis upon which the order was issued, (2) a hearing before a neutral hearing officer, and (3) the opportunity to present its views on relevant factual and legal issues.

The formalized hearing procedures contained in Part 22 would require that, even in the most straightforward cases involving requests for the most limited corrective actions, certain expensive, time consuming, and unnecessary procedural minimums be observed. These include but are not limited to (1) a hearing before an Administrative Law Judge, (2) a written transcript, (3) a formal complaint and answer meeting certain specific requirements, (4) oral examination of witnesses (at least to the extent that any issue of material fact is presented), (5) filing of post-hearing briefs, and (6) many means by which issuance of an administratively final decision may be delayed, including a motion to reopen the hearing, appeal of the final decision to the Administrator (Chief Judicial Officer) and a motion to reconsider the final order. Part 22 also establishes procedures for discovery, prehearing conferences, and intervention and generally contemplates a more extended hearing process than that provided for in the instant rule. Observance of the Part 22 procedural requirements would inevitably impair the Agency's ability to compel a rapid response to releases of hazardous waste and constituents under 3008(h).

V. Regulatory Analyses

A. Executive Order No. 12291

Under Executive Order No. 12291, the Agency must judge whether a regulation is "major" and thus subject to the requirement to prepare a Regulatory Impact Analysis. The notice published today is not major because the rule will not result in an effect on the economy of \$100 million or more, will not result in increased costs or prices, will not have significant adverse effects on competition, employment, investment, productivity, and innovation, and will not significantly disrupt domestic or export markets. Therefore, the Agency

has not prepared a Regulatory Impact Analysis under the Executive Order.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order No. 12291.

B. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have a significant economic effect on a substantial number of small entities.

EPA has examined the rule's potential effects on small entities as required by the Regulatory Flexibility Act. This proposed rule establishes hearing procedures and has no significant economic impact on a substantial number of small entities. EPA certifies that today's final rule will not have a significant economic effect on a substantial number of small entities.

VI. Effective Date of the Rule

Since the instant rule is manifestly one with which the regulated community does not need six months (or, for that matter, any time) to come into compliance, see 42 U.S.C. 6930(b)(1), it will take effect immediately. By making the rule effective immediately EPA intends to eliminate any confusion which might otherwise exist as to what procedures to follow in hearings on any such orders.

List of Subjects

40 CFR Part 22

Administrative practice and procedure, Hazardous materials, Penalties, Waste treatment disposal.

40 CFR Part 24

Administrative practice and procedure, Corrective action, Hazardous materials, Penalties, Revocation of operating authority.

Dated: April 5, 1988.

Lee M. Thomas,
Administrator.

For the reasons set out in the Preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION OR SUSPENSION OF PERMITS

1. The authority citation for Part 22 continues to read as follows:

Authority: 15 U.S.C. sec. 2615; 42 U.S.C. secs. 7545 and 7601; 7 U.S.C. sec. 136(l) and (w); 33 U.S.C. secs. 1415 and 1418; 42 U.S.C. secs. 6912, 6928, and 6991(e).

2. Section 22.01 is amended by revising paragraph (a)(4) to read as follows:

§ 22.01 Scope of these rules.

(a) * * *

(4) The issuance of a compliance order, the issuance of a corrective action order, the suspension or revocation of authority to operate pursuant to section 3005(e) of the Solid Waste Disposal Act, or the assessment of any civil penalty under sections 3008 and 9006 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6928 and 6991(e)), except as provided in 40 CFR Parts 24 and 124.

3. New Part 24 is added to read as follows:

PART 24—RULES GOVERNING ISSUANCE OF AND ADMINISTRATIVE HEARINGS ON INTERIM STATUS CORRECTIVE ACTION ORDERS

Subpart A—General

- Sec.
- 24.01 Scope of these rules.
 - 24.02 Issuance of initial orders; definition of final orders and orders on consent.
 - 24.03 Maintenance of docket and official record.
 - 24.04 Filing and service of orders, decisions, and documents.
 - 24.05 Response to the initial order; request for hearing.
 - 24.06 Designation of Presiding Officer.
 - 24.07 Informal settlement conference.
 - 24.08 Selection of appropriate hearing procedures.

Subpart B—Hearings on Orders Requiring Investigations or Studies

- 24.09 Qualifications of Presiding Officer; ex parte discussion of the proceeding.
- 24.10 Scheduling the hearing; pre-hearing submissions by respondent.
- 24.11 Hearing; oral presentations and written submissions by the parties.
- 24.12 Summary of hearing; Presiding Officer's recommendation.

Subpart C—Hearings on Orders Requiring Corrective Measures

- 24.13 Qualifications of Presiding Officer; ex parte discussion of the proceeding.
- 24.14 Scheduling the hearing; pre-hearing submissions by the parties.

- 24.15 Hearing; oral presentations and written submissions by the parties.
- 24.16 Transcript or recording of hearing.
- 24.17 Presiding Officer's recommendation.

Subpart D—Post-Hearing Procedures

- 24.18 Final decision.
- 24.19 Final order.
- 24.20 Final agency action.

Authority: 42 U.S.C. sections 6912, 6928.

Subpart A—General

§ 24.01 Scope of these rules.

(a) These rules establish procedures governing issuance of administrative orders for corrective action pursuant to section 3008(h) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (the Act), and conduct of administrative hearings on such orders, except as specified in § 24.01(b) below.

(b) The hearing procedures appearing at 40 CFR Part 22 govern administrative hearings on any order issued pursuant to section 3008(h) of the Act which:

(1) Is contained within an administrative order that includes claims under section 3008(a) of the Act; or

(2) Includes a suspension or revocation of authorization to operate under section 3005(e) of the Act; or

(3) Seeks penalties under section 3008(h)(2) of the Act for non-compliance with a section 3008(h) order.

(c) Questions arising at any stage of the proceeding which are not addressed in these rules shall be resolved at the discretion of the Regional Administrator or Presiding Officer, as appropriate.

§ 24.02 Issuance of initial orders; definition of final orders and orders on consent.

(a) An administrative action under section 3008(h) of the Act shall be commenced by issuance of an administrative order. When the order is issued unilaterally, the order shall be referred to as an initial administrative order and may be referenced as a proceeding under section 3008(h). When the order has become effective, either after issuance of a final order following a final decision by the Regional Administrator, or after thirty days from issuance if no hearing is requested, the order shall be referred to as a final administrative order. Where the order is agreed to by the parties, the order shall be denominated as a final administrative order on consent.

(b) The initial administrative order shall be executed by an authorized official of EPA (petitioner), other than the Regional Administrator or the Assistant Administrator for the Office of Solid Waste and Emergency Response.

For orders issued by EPA Headquarters, rather than by a Regional office, all references in these procedures to the Regional Administrator shall be understood to be to the Assistant Administrator for Solid Waste and Emergency Response or his delegatee.

(c) The initial administrative order shall contain:

(1) A reference to the legal authority pursuant to which the order is issued,

(2) A concise statement of the factual basis upon which the order is issued, and

(3) Notification of respondent's right to request a hearing with respect to any issue of material fact or the appropriateness of the proposed corrective action.

§ 24.03 Maintenance of docket and official record.

(a) A Clerk shall be designated by the Regional Administrator to receive all initial orders, final orders, decisions, responses, memoranda, and documents regarding the order and to maintain the official record and docket.

(b) On or before the date the initial order is served on respondent the EPA office issuing the order shall deliver to the Clerk (a copy of) the administrative record supporting the findings of fact, determinations of law, and relief sought in the initial administrative order. This record shall include all relevant documents and oral information (which has been reduced to writing), which the Agency considered in the process of developing and issuing the order, exclusive of privileged internal communications. The administrative record delivered to the Clerk must have an index and be available for review in the appropriate Agency Regional or Headquarters office during normal business hours after the order is issued.

§ 24.04 Filing and service of orders, decisions, and documents.

(a) *Filing of orders, decisions, and documents.* The original and one copy of the initial administrative order, the recommended decision of the Presiding Officer, the final decision and the final administrative order, and one copy of the administrative record and an index thereto must be filed with the Clerk designated for section 3008(h) orders. In addition, all memoranda and documents submitted in the proceeding shall be filed with the Clerk.

(b) *Service of orders, decisions, and rulings.* The Clerk (or in the case of the initial administrative order, any other designated EPA employee) shall arrange for the effectuation of service of the initial administrative order, the

recommended decision of the Presiding Officer, the final decision, and final administrative order. Service of a copy of the initial administrative order together with a copy of these procedures, the recommended decision of the Presiding Officer, the final decision, or a final administrative order, shall be made personally or by certified mail, return receipt requested or, if personal service cannot be effectuated or certified mail is returned refused or unsigned, by regular mail, on the respondent or his representative. The Clerk shall serve other documents from the Presiding Officer by regular mail.

(c) *Service of documents filed by the parties.* Service of all documents, filed by the parties, shall be made by the parties or their representatives on other parties or their representatives and may be regular mail, with the original filed with the Clerk. The original of any pleading, letter, or other document (other than exhibits) shall be signed by the party filing or by his counsel or other representative. The signature constitutes a representation by the signer that he has read the pleading, letter, or other document, that to the best of his knowledge, information, and belief, the statements made therein are true, and that it is not interposed for delay.

(d) *Service in general.* Service of orders, decisions, rulings, or documents by either the Clerk or the parties shall, in the case of a domestic or foreign corporation, a partnership, or other unincorporated association, which is subject to suit under a common name, be made, as prescribed in § 24.04 (b) and (c), upon an officer, partner, managing or general agent, or any person authorized by appointment or by Federal or State law to receive service of process.

(e) *Effective date of service.* Service of the initial administrative order and final administrative order is complete upon receipt by respondent (or the respondent's agent, attorney, representative or other person employed by respondent and receiving such service), personally or by certified mail, or upon mailing by regular mail, if personal service or service by certified mail cannot be accomplished, in accordance with § 24.04(b). Service of all other pleadings and documents is complete upon mailing, except as provided in §§ 24.10(b) and 24.14(e).

§ 24.05 Response to the initial order; request for hearing.

(a) The initial administrative order becomes a final administrative order thirty (30) days after service of the order, unless the respondent files with the Clerk within thirty (30) days after

service of the order, a response to the initial order and requests a hearing.

(b) The response to the initial order and request for a hearing must be in writing and mailed to, or personally served on, the Clerk of the Regional office which issued the order.

(c) The response to the initial order shall specify each factual or legal determination, or relief provision in the initial order the respondent disputes and shall briefly indicate the basis upon which it disputes such determination or provision.

(d) Respondent may include with its response to the initial order and request for a hearing a statement indicating whether it believes the Subpart B or Subpart C hearing procedures should be employed for the requested hearing and the reason(s) therefore.

§ 24.06 Designation of Presiding Officer.

Upon receipt of a request for a hearing, the Regional Administrator shall designate a Presiding Officer to conduct the hearing and preside over the proceedings.

§ 24.07 Informal settlement conference.

The respondent may request an informal settlement conference at any time by contacting the appropriate EPA employee, as specified in the initial administrative order. A request for an informal conference will not affect the respondent's obligations to timely request a hearing. Whether or not the respondent requests a hearing, the parties may confer informally concerning any aspect of the order. The respondent and respondent's representatives shall generally be allowed the opportunity at an informal conference to discuss with the appropriate Agency technical and legal personnel all aspects of the order, and in particular the basis for the determination that a release has occurred and the appropriateness of the ordered corrective action.

§ 24.08 Selection of appropriate hearing procedures.

If the initial order directs the respondent—

(a) To undertake only a RCRA Facility Investigation and/or Corrective Measures Study, which may include monitoring, surveys, testing, information gathering, analyses, and/or studies (including studies designed to develop recommendations for appropriate corrective measures), or

(b) To undertake such investigations and/or studies and interim corrective measures, and if such interim corrective measures are neither costly nor technically complex and are necessary

to protect human health and the environment prior to development of a permanent remedy,

the hearing procedures set forth in Subpart B of this part shall be employed for any requested hearing. If the respondent seeks a hearing on an order directing that corrective measures or such corrective measures together with investigations/studies be undertaken, the hearing procedures set forth in Subpart C of this part shall be employed. The procedures contained in Subparts A and D of this part shall be followed regardless of whether the initial order directs respondent to undertake an investigation or implement corrective measures.

Subpart B—Hearings on Orders Requiring Investigations or Studies

§ 24.09 Qualifications of Presiding Officer; ex parte discussion of the proceeding.

The Presiding Officer shall be either the Regional Judicial Officer (as described in 40 CFR 22.04(b)) or another attorney employed by the Agency, who has had no prior connection with the case, including the performance of any investigative or prosecuting functions. At no time after issuance of the initial administrative order and prior to issuance of the final order shall the Regional Administrator, Presiding Officer, or any person who will advise these officials in the decision on the case, discuss ex parte the merits of the proceeding with any interested person outside the Agency, with any Agency staff member who performs a prosecutorial or investigative function in such proceeding or a factually related proceeding, or with any representative of such person. If, after issuance of the initial order and prior to issuance of the final order, the Regional Administrator, Presiding Officer, or any person who will advise these officials in the decision on the case receives from or on behalf of any party in an ex parte communication information which is relevant to the decision on the case and to which other parties have not had an opportunity to respond, a summary of such information shall be served on all other parties, who shall have an opportunity to reply to same within ten (10) days of service of the summary.

§ 24.10 Scheduling the hearing; pre-hearing submissions by respondent.

(a) *Date and time for hearing.* The Presiding Officer shall establish the date, time, location, and agenda for the requested public hearing and transmit this information to the parties. Subject to § 24.10(c), the hearing shall be

scheduled and held within thirty (30) days of the Agency's receipt of the request for a public hearing.

(b) *Pre-hearing submissions by respondent.* At any time up to five (5) business days before the hearing respondent may, but is not required to, submit for inclusion in the administrative record information and argument supporting respondent's positions on the facts, law and relief, as each relates to the order in question. A copy of any information or argument submitted by respondent shall be served such that the Clerk and petitioner receive same at least five (5) business days before hearing.

(c) *Postponement of hearing.* The Presiding Officer may grant an extension of time for the conduct of the hearing upon written request of either party, for good cause shown, and after consideration of any prejudice to other parties. The Presiding Officer may not extend the date by which the request for hearing is due under § 24.05(a).

(d) *Location of hearing.* The hearing shall be held in the city in which the relevant EPA Regional Office is located, unless the Presiding Officer determines that there is good cause to hold it in another location.

§ 24.11 Hearing; oral presentations and written submissions by the parties.

The Presiding Officer shall conduct the hearing in a fair and impartial way, taking action as needed to avoid unnecessary delay, exclude redundant material and maintain order during the proceedings. Representatives of EPA shall introduce the administrative record and be prepared to summarize the basis for the order. The respondent shall have a reasonable opportunity to address relevant issues and present its views through legal counsel or technical advisors. The Presiding Officer may also allow technical and legal discussions and interchanges between the parties, including responses to questions to the extent deemed appropriate. It is not the Agency's intent to provide EPA or respondent an opportunity to engage in direct examination or cross-examination of witnesses. The Presiding Officer may address questions to the respondent's or EPA's representative(s) during the hearing. Each party shall insure that a representative(s) is (are) present at the hearing, who is (are) capable of responding to questions and articulating that party's position on the law and facts at issue. Where respondent can demonstrate that through no fault of its own certain documents supportive of its position could not have been submitted before hearing in accordance with the requirements of § 24.10(b), it may submit

such documents at the hearing. Otherwise no new documentary support may be submitted at hearing. The Presiding Officer may upon request grant petitioner leave to respond to submissions made by respondent pursuant to this section or § 24.10(b). The Presiding Officer shall have the discretion to order either party to submit additional information (including but not limited to posthearing briefs on undeveloped factual, technical, or legal matters) in whatever form he deems appropriate either at or after the hearing.

§ 24.12 Summary of hearing; Presiding Officer's recommendation.

(a) As soon as practicable after the conclusion of the hearing a written summary of the proceeding shall be prepared. This summary shall, at a minimum, identify:

- (1) The dates of and known attendees at the hearing; and
- (2) The bases upon which the respondent contested the terms of the order.

The summary must be signed by the Presiding Officer.

(b) The Presiding Officer will evaluate the entire administrative record and, on the basis of that review and the representations of EPA and respondent at the hearing, shall prepare and file a recommended decision with the Regional Administrator. The recommended decision must address all material issues of fact or law properly raised by respondent, and must recommend that the order be modified, withdrawn or issued without modification. The recommended decision must provide an explanation with citation to material contained in the record for any decision to modify a term of the order, to issue the order without change, or to withdraw the order. The recommended decision shall be based on the administrative record. If the Presiding Officer finds that any contested relief provision in the order is not supported by a preponderance of the evidence in the record, the Presiding Officer shall recommend that the order be modified and issued on terms that are supported by the record or withdrawn.

(c) At any time within twenty-one (21) days of service of the recommended decision on the parties, the parties may file comments on the recommended decision with the Clerk. The Clerk shall promptly transmit any such comments received to the Regional Administrator for his consideration in reaching a final decision.

Subpart C—Hearings on Orders Requiring Corrective Measures

§ 24.13 Qualifications of Presiding Officer; ex parte discussion of the proceeding.

(a) *Qualifications of Presiding Officer.* The Presiding Officer shall be either the Regional Judicial Officer (as described in 40 CFR 22.04(b)) of another attorney employed by the Agency, who has had no prior connection with the case, including the performance of any investigative or prosecuting functions.

(b) *Ex parte discussion of the proceeding.* At no time after issuance of the initial administrative order and prior to issuance of the final order shall the Regional Administrator, Presiding Officer, or any person who will advise these officials in the decision on the case, discuss ex parte the merits of the proceeding with any interested person outside the Agency, with any Agency staff member who performs a prosecutorial or investigative function in such proceeding or a factually related proceeding, or with any representative of such person. If, after issuance of the initial order and prior to issuance of the final order, the Regional Administrator, Presiding Officer, or any person who will advise these officials in the decision on the case receives from or on behalf of any party in an ex parte communication information which is relevant to the decision on the case and to which other parties have not had an opportunity to respond, a summary of such information shall be served on all other parties, who shall have an opportunity to reply to same within ten (10) days of service of the summary.

§ 24.14 Scheduling the hearing; pre-hearing submissions by the parties.

(a) The Presiding Officer shall establish an expeditious schedule for:

(1) The submission by respondent of a memorandum, with appropriate affidavits and exhibits, stating and supporting respondent's position on the facts, law and relief, specifying the bases upon and manner in which such determinations or relief provisions, if erroneous, require modification or withdrawal of the order;

(2) Submission of a response by EPA; and

(3) A public hearing.

Subject to § 24.14(b), a hearing shall be scheduled within 45 days of the order setting the schedule. The Presiding Officer shall establish the date, time, location and agenda for the hearing and shall transmit this information to the parties along with the schedule for the hearing.

(b) *Postponement of the hearing.* The Presiding Officer, as appropriate, may grant an extension of time for the filing of any document, other than a request for a hearing under § 24.05(a), or may grant an extension of time for the conduct of the hearing, upon written request of either party, for good cause shown and after consideration of any prejudice to other parties.

(c) *Respondent's pre-hearing submission.* In accordance with the schedule set by the Presiding Officer, the respondent shall file a memorandum stating and supporting respondent's position on the facts, law and relief. The memorandum must identify each factual allegation and all issues regarding the appropriateness of the terms of the relief in the initial order that respondent contests and for which respondent requests a hearing. The memorandum must clearly state respondent's position with respect to each such issue. Respondent must also include any proposals for modification of the order. The memorandum shall also present any arguments on the legal conclusions contained in the order.

(d) *Written questions to EPA.* The respondent may file a request with the Presiding Officer for permission to submit written questions to the EPA Regional Office issuing the order concerning issues of material fact in the order.

(1) Requests shall be accompanied by the proposed questions. In most instances, no more than twenty-five (25) questions, including subquestions and subparts, may be posed. The request and questions must be submitted to the Presiding Officer at least twenty-one (21) days before the hearing.

(2) The Presiding Officer may direct EPA to respond to such questions as he designates. In deciding whether or not to direct the Agency to respond to written questions the Presiding Officer should consider whether such responses are required for full disclosure and adequate resolution of the facts. No questions shall be allowed regarding privileged internal communications. The Presiding Officer shall grant, deny, or modify such requests expeditiously. If a request is granted the Presiding Officer may revise questions and may limit the number and scope of questions. Questions may be deleted or revised in the discretion of the Presiding Officer for reasons, which may include the fact that he finds the questions to be irrelevant, redundant, unnecessary, or an undue burden on the Agency. The Presiding Officer shall transmit the questions as submitted or as modified to EPA. EPA shall respond to the questions within fourteen (14) calendar days of service of the

questions by the Presiding Officer, unless an extension is granted.

(e) *Submission of additional information.* The Presiding Officer shall have the discretion to order either party to submit additional information (including but not limited to post-hearing briefs on undeveloped factual, technical, or legal matters) in whatever form he deems appropriate either before, at, or after the hearing. The Presiding Officer may issue subpoenas for the attendance and testimony of persons and the production of relevant papers, books and documents. Since these hearing procedures provide elsewhere that the parties are not to engage in direct or cross-examination of witnesses, the subpoena power is to serve only as an adjunct to the Presiding Officer's authority to ask questions and otherwise take steps to clarify factual matters which are in dispute. Upon request of the respondent the Presiding Officer may, in his discretion, allow submittal by the respondent of additional information in support of its claim, if it is received by the Clerk and petitioner at least five (5) business days before the hearing.

(f) *Location of hearing.* The hearing shall be held in the city in which the relevant EPA Regional Office is located, unless the Presiding Officer determines that there is good cause to hold it in another location.

§ 24.15 Hearing; oral presentations and written submissions by the parties.

(a) The Presiding Officer shall conduct the hearing in a fair and impartial manner, take action to avoid unnecessary delay in the disposition of the proceedings, and maintain order. The Presiding Officer shall permit oral statements on behalf of the respondent and EPA. The Presiding Officer may address questions to the respondent's or the EPA's representative(s) during the hearing. Each party shall ensure that a representative(s) is (are) present at the hearing, who is (are) capable of responding to questions and articulating that party's position on the law and facts at issue. Apart from questions by the Presiding Officer, no direct examination or cross-examination shall be allowed.

(b) Upon commencement of the hearing, a representative of EPA shall introduce the order and record supporting issuance of the order, and summarize the basis for the order. The respondent may respond to the administrative record and offer any facts, statements, explanations or documents which bear on any issue for which the hearing has been requested. Any such presentation by respondent

may include new documents only to the extent that respondent can demonstrate that, through no fault of its own, such documents could not have been submitted before hearing in accordance with the requirements of § 24.14 (c) and (e). The Agency may then present matters solely in rebuttal to matters previously presented by the respondent. The Presiding Officer may allow the respondent to respond to any such rebuttal submitted. The Presiding Officer may exclude repetitive or irrelevant matter. The Presiding Officer may upon request grant petitioner leave to respond to submissions made by respondent pursuant to this paragraph or § 24.14(e).

§ 24.16 Transcript or recording of hearing.

(a) The hearing shall be either transcribed stenographically or tape recorded. Upon written request, such transcript or tape recording shall be made available for inspection or copying.

(b) The transcript or recording of the hearing and all written submittals filed with the Clerk by the parties subsequent to initial issuance of the order including post-hearing submissions will become part of the administrative record for the proceeding, for consideration by the Presiding Officer and Regional Administrator.

§ 24.17 Presiding Officer's recommendation.

(a) The Presiding Officer will, as soon as practicable after the conclusion of the hearing, evaluate the entire administrative record and, on the basis of the administrative record, prepare and file a recommended decision with the Regional Administrator. The recommended decision must address all material issues of fact or law properly raised by respondent, and must recommend that the order be modified, withdrawn or issued without modification. The recommended decision must provide an explanation, with citation to material contained in the record for any decision to modify a term of the order, to issue the order without change or to withdraw the order. The recommended decision shall be based on the administrative record. If the Presiding Officer finds that any contested relief provision in the order is not supported by a preponderance of the evidence in the record, the Presiding Officer shall recommend that the order be modified and issued on terms that are supported by the record, or withdrawn.

(b) At any time within twenty-one (21) days of service of the recommended

decision on the parties, the parties may file comments on the recommended decision with the Clerk. The Clerk shall promptly transmit any such comments received to the Regional Administrator for his consideration in reaching a final decision.

Subpart D—Post-Hearing Procedures

§ 24.18 Final decision.

As soon as practicable after receipt of the recommended decision, the Regional Administrator will either sign or modify such recommended decision, and issue it as a final decision. If the Regional Administrator modifies the recommended decision, he shall insure

that the final decision indicates the legal and factual basis for the decision as modified. The Regional Administrator's decision shall be based on the administrative record.

§ 24.19 Final order.

If the Regional Administrator does not adopt portions of the initial order, or finds that modification of the order is necessary, the signatory official on the initial administrative order shall modify the order in accordance with the terms of the final decision and file and serve a copy of the final administrative order. If the Regional Administrator finds the initial order appropriate as originally issued, the final decision shall declare

the initial administrative order to be a final order, effective upon service of the final decision. If the Regional Administrator declares that the initial order must be withdrawn, the signatory official on the initial administrative order will file and serve a withdrawal of the initial administrative order. This may be done without prejudice.

§ 24.20 Final agency action.

The final decision and the final administrative order are final agency actions that are effective on filing and service. These actions are not appealable to the Administrator.

[FR Doc. 88-7936 Filed 4-12-88; 8:45 am]

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Register Federal

Wednesday
April 13, 1988

Part VI

Department of Housing and Urban Development

Office of Assistant Secretary for
Housing—Federal Housing Commissioner

Section 202 Loans for Housing for the
Elderly or Handicapped; Announcement
of Fund Availability for Fiscal Year 1988;
Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-88-1790; FR 2479]

Section 202 Loans for Housing for the Elderly or Handicapped; Announcement of Fund Availability; Fiscal Year 1988

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability.

SUMMARY: HUD is announcing the availability of Fiscal Year 1988 loan authority under the section 202 Housing for the Elderly or Handicapped Direct Loan Program. The loan authority will be used to provide direct Federal loans for a maximum term of 40 years under section 202 of the Housing Act of 1959 to assist private, nonprofit corporations and nonprofit consumer cooperatives in the development of housing and related facilities to serve the elderly or handicapped. The Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Pub. L. 100-202, approved December 22, 1987) (Fiscal Year 1988 Appropriations Act) requires that 25 percent of the direct loan authority appropriated for Fiscal Year 1988 shall be used only to provide housing for the handicapped. In order to meet the 25 percent requirement and to facilitate administration of the program, submission and review requirements have been modified as set forth below.

EFFECTIVE DATE: April 13, 1988.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given under Title 24 Code of Federal Regulations Part 885, that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Sponsors (see 24 CFR 885.5 for the definition of "Sponsor" and other terms) for direct loans for the construction or substantial rehabilitation of housing and related facilities for dwelling use by elderly or handicapped families under the provisions of section 202 of the Housing Act of 1959. Applications will also be accepted for loans for acquisition, with or without moderate rehabilitation, of housing and related facilities for use as group homes for the nonelderly handicapped.

The Assistant Secretary for Housing is assigning Fiscal Year 1988 Section 202 loan fund authority to the HUD Field Offices identified below in conformance with the provisions of section 213(d) of the Housing and Community Development Act of 1974. While the precise number of units to be funded depends upon the number of approvable applications received, the following distribution plan shows the estimated numbers of units and Fiscal Year 1988 loan authority under which applications may be funded in each Field Office jurisdiction identified below.

FISCAL YEAR 1988 SECTION 202 DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION

	Estimated number of units	Estimated loan authority
Boston Regional Office:		
Boston	315	\$18,806,000
Hartford	138	7,260,000
Manchester (Maine, New Hampshire, Vermont)	143	6,851,000
Providence	52	2,600,000
Total	648	35,517,000
New York Regional Office:		
Buffalo	268	10,775,000
Caribbean	145	5,670,000
Newark	338	19,334,000
New York	702	44,858,000
Total	1,453	80,637,000
Philadelphia Regional Office:		
Baltimore	117	5,850,000
Charleston	86	3,991,000
Philadelphia (Delaware)	313	16,934,000
Pittsburgh	181	9,050,000
Richmond	148	6,839,000
Washington, DC (Portion of Maryland and Virginia)	101	5,252,000
Total	946	47,916,000
Atlanta Regional Office:		
Atlanta	245	10,609,000
Birmingham	207	7,349,000
Columbia	180	6,120,000
Greensboro	288	11,262,000
Jackson	169	6,102,000
Jacksonville	464	21,020,000
Louisville	186	7,850,000
Knoxville	95	3,031,000
Nashville	133	4,802,000
Total	1,967	78,145,000
Chicago Regional Office:		
Chicago	472	25,300,000
Cincinnati	85	3,724,000
Cleveland	203	8,892,000
Columbus	118	4,638,000
Detroit	185	8,918,000
Grand Rapids	103	3,925,000

FISCAL YEAR 1988 SECTION 202 DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION—Continued

	Estimated number of units	Estimated loan authority
Indianapolis	220	7,480,000
Milwaukee	223	7,917,000
Minneapolis/St. Paul	162	6,432,000
Total	1,771	77,226,000
Fort Worth Regional Office:		
Fort Worth (New Mexico)	230	9,592,000
Houston	136	4,624,000
Little Rock	200	5,901,000
New Orleans	136	5,604,000
Oklahoma City	143	4,448,000
San Antonio	126	4,549,000
Total	971	34,718,000
Kansas City Regional Office:		
Des Moines	128	5,146,000
Kansas City (portion of Missouri)	199	6,528,000
Omaha	76	2,464,000
St. Louis	150	5,956,000
Total	553	20,094,000
Denver Regional Office:		
Denver (Montana, North Dakota, South Dakota, Utah and Wyoming)	226	9,312,000
Total	226	9,312,000
San Francisco Regional Office:		
Honolulu (Guam)	49	2,421,000
Los Angeles	627	34,235,000
Phoenix	123	4,626,000
Sacramento	84	3,764,000
San Francisco (Nevada)	333	16,817,000
Total	1,216	61,863,000
Seattle Regional Office:		
Portland (Idaho)	143	4,984,000
Seattle	139	5,588,000
Total	282	10,572,000
National total	10,033	456,000,000

The foregoing distribution plan is a guide for prospective Sponsors. It estimates the loan authority that is expected to be available in each HUD Field Office jurisdiction. However, these unit and loan estimates are subject to change by Regional or Field Offices. Changes may be necessary to assure that there is enough loan authority in each Field Office to support housing projects of feasible size. Each HUD Field Office receiving Fiscal Year 1988 loan authority will publish one Invitation for

Applications for Section 202 Fund Reservation (Invitation) for its jurisdiction indicating the amount of loan authority and the maximum number of units this amount is expected to assist, as well as the total number of units available for metropolitan and nonmetropolitan areas. Whether an area is "metropolitan" or "nonmetropolitan" will be determined in accordance with the redefinitions of metropolitan statistical areas announced by the Office of Management and Budget, effective June 30, 1983.

(See OMB Public Affairs Issuance 83-20, June 27, 1983, and subsequent changes made June 27, 1984, June 27, 1985 and October 18, 1986.)

To provide equitable geographic distribution of the limited number of Section 202 units, a Field Office may establish a maximum number of units that may be requested under any one application. This unit limitation will vary by Field Office, depending on the number of units available for either the metropolitan or nonmetropolitan category of funds. However, the size limits for projects for the chronically mentally ill and nonelderly handicapped set forth in Paragraphs (11) and (12) below, or for projects for the elderly set forth in Paragraph (15), will apply.

Priority Categories For Selection

The purpose of the priority system for the Section 202 program is to assure that applications from localities that have been relatively underfunded over the years receive priority consideration and are treated in an equitable manner and to assure that 25 percent of the direct loan authority will be used to fund projects for the handicapped as required by the Fiscal Year 1988 Appropriations Act.

In view of the limited funds for projects in Fiscal Year 1988, and in order to assure open competition, Field Offices will not suballocate funds within their jurisdiction. However, 20-25 percent of available funds will be allocated to nonmetropolitan areas to meet rural housing needs. Field Office Invitations will identify the total number of units available for metropolitan and for nonmetropolitan areas of the jurisdiction. Applications received for projects in metropolitan areas will compete against each other; applications received for projects in nonmetropolitan areas will similarly compete against each other. At the time of end-of-year selection determinations, the Department may transfer unused authority from Field Offices that are without sufficient approvable applications to other Field Offices within the same State where there is not

sufficient authority for all approvable applications. Where a Field Office jurisdiction covers more than one State, separate metropolitan or nonmetropolitan allocation areas may be established, to the extent practicable, for each State's part of the jurisdiction. Any amounts allocated to a State or to areas or communities within a State will not be reallocated for use in another State unless the Department determines that other areas or communities in the same State cannot use the amounts within that same fiscal year.

In order to assure that applications are funded in the areas of greatest need, approvable applications will be divided into two categories, each of which shall have two subcategories. The categories and subcategories are as follows:

Category A—Applications for projects for the handicapped, and for elderly projects which will be located in localities which have previously been underfunded relative to their needs and the funding needs of other localities.

(1) Such applications for elderly projects which are in localities within jurisdictions having rental vacancy rates of 5 percent or less or for projects for the handicapped;

(2) Such applications for elderly projects which are in localities within jurisdictions having rental vacancy rates in excess of 5 percent.

(Note: All projects for the handicapped will automatically be placed in Category A1.)

Category B—Applications for elderly projects which will be located in localities which have not been underfunded relative to their needs and the funding needs of other localities.

(1) Such applications which are in localities within jurisdictions having rental vacancy rates of 5 percent or less;

(2) Such applications which are in localities within jurisdictions having rental vacancy rates in excess of 5 percent.

Applications shall be selected for funding first from Category A(1), second from Category A(2), third from Category B(1), and finally from Category B(2). An application in a lower subcategory which is judged clearly superior to one in the next higher subcategory, i.e., its final score is at least 10 points higher, may be selected for funding. For example, if an application in Category A(1) has a final score of 57, and an application in Category A(2) has a score of 67, the higher-scored application may be selected over the lower-scored application. The rule would not apply to projects that are more than one subcategory apart, as for example, a higher-scored project in either B(1) or

B(2) could not be selected over a lower-scored project in A(1).

Schedule For Section 202 Invitations, Workshops and Applications Deadline

All applications for Section 202 Fund Reservations submitted by eligible Sponsors must be filed with the appropriate HUD Field Office and must contain all exhibits and additional information as required by 24 CFR 885.210, except as modified by this Notice.

In April 1988, HUD Field Offices will publish a one-time Invitation in newspapers of general circulation, and in any minority newspapers serving the Field Office jurisdiction. Field Offices will accept applications after publication of the Invitation. No application will be accepted after the regular closing time of the appropriate Field Office on June 15, 1988 unless that time is extended by Notice published in the *Federal Register*. Applications that are mailed may be accepted provided they bear a postmark date or receipt of mailing that is no later than the regular closing time of the appropriate Field Office on June 15, 1988.

Organizations interested in applying for a Section 202 Fund Reservation should provide the appropriate Field Office with their names, addresses and telephone numbers, advise the Field Office whether they wish to attend the workshop described in the following paragraph, and secure the program handbook and Application Package. HUD encourages minority organizations to participate in this program as Sponsors. Field Offices will conduct workshops during April 1988 to explain the Section 202 Program and the Seed Money Loan program under section 106(b) of the Housing and Urban Development Act of 1968. Under this latter program, HUD makes direct, interest-free loans to approved nonprofit Section 202 eligible Borrowers to cover certain preconstruction expenses. At the workshops, Application Packages will be distributed, application procedures and requirements (including the Department's equal opportunity, design and cost containment requirements and required exhibits) will be discussed, and concerns such as local market conditions, building codes, zoning and housing costs will be addressed. HUD strongly recommends that prospective applicants attend the local Field Office workshop. More detailed information covering the time and place of the particular workshops will be set out in the Field Office Invitation. Interested disabled persons should contact the Field Office to assure that any

necessary arrangements can be made for them to be able to attend and participate in the workshop.

Additional Information

(1) Part 885 currently requires the Borrower to be in existence when the application for the Section 202 fund reservation is submitted, and requires the application to include specific information concerning the Borrower. Due to time constraints affecting the obligation of funds in Fiscal Year (FY) 1986, the FY 1986 NOFA for the Section 202 program permitted the Sponsor to delay the formation and submission of information on the Borrower until after the issuance of the fund reservation. Based on this experience, HUD has determined that the deferral of the formation of the Borrower results in more and better applications, reduces the costs to Sponsors that are not funded, and reduces HUD processing time and effort thus helping to meet the tight deadline for application processing. Accordingly, the formation of the Borrower corporation will not be a prerequisite to submission of an Application for Fund Reservation this fiscal year. The submission requirement for Borrowers described in § 885.210(b) (9), (12) and (13) may be satisfied with all application requirements with respect to the Sponsor, and in addition, the requirements imposed on the Borrower under § 885.210(b) (3), (4), (5), (7) and (8).

Because the formation of the Borrower corporation is not required at the application stage, the applicants will be the Sponsors and the applications will be reviewed and rated solely on the qualifications of the Sponsor, as well as other program requirements, as modified by this NOFA. If a Sponsor submits information on the Borrower, the information will not be reviewed, and approval of the application will NOT constitute approval of the Borrower.

The requirements under § 885.225 for issuance of the fund reservation to the Borrower are modified to provide that the fund reservation shall be issued to the Sponsor and transferred to a separate single purpose Borrower corporation upon satisfactory compliance by the Borrower with all submission requirements and approval of its Conditional Commitment Application.

The request for direct loan financing and Conditional Commitment Application under § 885.400 shall be submitted by an eligible single purpose Borrower corporation created by the Sponsor receiving a fund reservation which shall submit with such Application evidence of compliance

with the requirements waived at the fund reservation application submission stage. Any information below that makes reference to an eligible Borrower corporation is provided as guidance for use at the Conditional Processing stage.

(2) Because of the concern as expressed by Congress for the homeless chronically mentally ill, Sponsors serving primarily the homeless deinstitutionalized mentally ill are encouraged to submit applications under this NOFA.

(3) In evaluating applications for Section 202 Fund Reservations, the Department's equal opportunity and cost containment requirements are significant factors in the ranking process. Further, in order to eliminate minimally qualified applications, only those proposals that meet certain threshold scores on the standard ranking format will be considered for funding. However, Headquarters may waive the threshold score for the non-elderly handicapped proposals in order to fund them from the Headquarters Reserve to the extent necessary to meet the requirement that not less than 25 percent of the loan authority be reserved for applications for the nonelderly handicapped. These requirements will be included in the Section 202 Application Package available at the local HUD Field Office. The Section 202 workshops will include discussions of these and other application requirements.

(4) Religious bodies may serve as project Sponsors, but must establish a Borrower corporation as a separate legal entity to be the owner, prior to the submission of a Conditional Commitment Application. When the Borrower corporation is created, no reference to religion or religious purposes may be included in the Articles of Incorporation or By-Laws of that corporation. The mere recital in a Borrowers Articles of Incorporation that it is organized exclusively for religious, charitable, scientific, literary or educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code will not by itself make a Borrower ineligible. However, the dissolution clause must provide that, upon dissolution or winding up of the corporation, its assets remaining after payment of all debts and liabilities, shall be distributed to a nonprofit fund, foundation or corporation other than one created for a religious purpose, which has established its tax exempt status under section 501(c)(3) of the Internal Revenue Code.

(5) Borrower corporations will not be permitted to engage in any other business or activity, including the

operation of any other rental project, or to incur any liability or obligation not in connection with the proposed project. The intent of this requirement is to give HUD sole claim to the assets of the Borrower corporation in case of default under the Regulatory Agreement.

(6) Sponsors, including churches, must have a current tax exemption ruling under section 501 of the IRS Code.

(7) Applications will be accepted only from eligible Sponsors which must be eligible entities as defined in 24 CFR 855.5.

(8) Because of the nonprofit nature of the Section 202 program, no officer or director of the Sponsor or Borrower, or trustee, member, stockholder or authorized representative of the Borrower is permitted to have any financial interest in any contract in connection with the provision of services, the provision of goods or supplies, project management, procurement of furnishings and equipment, construction of the project, procurement of the site or other matters whatsoever, except that this prohibition does not apply to any management contracts (or management fees associated therewith) entered into by the Borrower with the Sponsor or its nonprofit affiliate.

(9) Where the proposed project site is being optioned or acquired from a general contractor or its affiliate, the Section 202 Borrower will be prohibited from selecting that contractor to construct the project for which an Application for funding is being made. Further, the proposed contractor may not be the attorney, architect, housing consultant or management agent for the project. This prohibition extends to any firm or subsidiary having an identity of interest with the contractor.

(10) In cases involving sites to be acquired from a local public body, satisfactory evidence of site control consists of evidence that the public body (a) possesses clear title to the land and (b) has entered into a legally binding commitment to the sponsor to convey the property to a Borrower corporation created by the Sponsor upon its receiving Section 202 funding. A mere recitation of intent to convey the land to a Borrower to be created by the Sponsor made by an official of the public body to the Sponsor or preliminary actions on the part of the public body are not adequate evidence of site control.

(11) Projects designed exclusively for the chronically mentally ill are eligible under the same conditions and criteria as other projects designed solely for the nonelderly handicapped, except that (a)

only group homes for up to 15 persons and independent living complexes to serve up to 20 persons may be proposed for the chronically mentally ill and (b) Borrowers proposing housing for the chronically mentally ill will be required to complete a Service Program Description, describing how their proposed projects will be linked to supportive services needed to maintain chronically mentally ill persons in the community. Since funds for such services cannot be provided from the Section 8 subsidy, evidence of other funding sources must be provided, with assurances that the funds will be secured by the time the project is ready for occupancy and will continue to be available for a reasonable time thereafter. Borrowers are placed on notice that if at any time these supporting funds are not available, the project will have to be converted to occupancy by elderly or handicapped persons or families capable of living independently without the supportive services.

To assist HUD in evaluating the applicant's capabilities with regard to supportive services for the residents of group homes or independent living complexes, HUD will invite a representative from the State Mental Health Authority (SMHA) to evaluate and make recommendations about the Service Program Description. To this end, prospective Sponsors may be required to submit a copy of the Application to the SMHA. The HUD Field Office will advise prospective Sponsors of further details in this regard. Since the review and evaluation is at the option of the State Mental Health Authority, HUD will conduct its own independent review of those States that do not wish to participate.

(12) HUD unit limits for housing for the nonelderly handicapped (other than the chronically mentally ill) permit group homes to serve up to 15 persons on one site, and independent living complexes to include up to 40 units on one site. Although up to 40 units are permitted, HUD limits independent living complexes comprised of three or more bedroom units to one or two parents with children. These complexes may not be developed to serve large numbers of single unrelated persons. In an independent living complex, no more than 40 households may be served on any one site. For purposes of this requirement, a household is a family or any individual. Two unrelated individuals sharing a two bedroom unit will be counted as two households in calculating the 40 household limit.

(13) Sponsors proposing group homes for the nonelderly handicapped are reminded that if a unit is to be occupied by one person, its size will be limited by the 0-bedroom square footage of up to 449 square feet, using the 0-bedroom fair market rent and unit cost limits. If the unit will be occupied by two persons, the size may be increased to the one-bedroom square footage of from 450 to 540 square feet, using the one-bedroom fair market rent and cost limits.

(14) Under 24 CFR 885.215, no single Sponsor may submit an Applications or Application in any HUD Region for more than 300 units.

(15) Reservations for projects intended primarily for the elderly will not be approved for more than 200 units, including units for the elderly already on or near the site, as well as the units being requested. This policy is intended to expand the number of areas in the community where the elderly can live in housing specifically designed to meet their needs. This limitation does not rule out housing for the elderly in submarket areas of major cities where privately or publicly financed housing for the elderly already exists, but is designed to discourage additional housing for the elderly in proximity to existing privately or publicly financed facilities where the additional units would result in a concentration of over 200 units. However, the Field Office Manager may waive the requirement in a given area or locality, if, for example, there are no other suitable sites available for housing for the elderly.

(16) Section 202 loans may be used for the acquisition of existing housing and related facilities, with or without moderate rehabilitation ("acquisition") for group homes for the nonelderly handicapped. Proposals involving housing units already owned and operated by the Sponsor as group homes for the handicapped at the time Applications are submitted (often referred to as "refinancing") are not eligible for acquisition or rehabilitation under the Section 202 program.

(17) To be responsive to the Invitation, Sponsors must not request more units than advertised for the respective metropolitan or nonmetropolitan areas designated in the Invitation, and the number of units applies for must not exceed any maximum number of units per Application that may be established by the local Field Office. Applications exceeding these limits will be rejected.

(18) If the Sponsor elects to use a housing consultant, it should be careful to select a consultant who is knowledgeable about the Section 202 housing program. Failure to meet

program requirements will be a cause for rejection of the application, whether or not a housing consultant is used by the Sponsor. Sponsors may wish to contact previous groups which have used the consultant under consideration in order to make a determination as to the consultant's qualifications.

(19) Deficiency letters will be issued by the Field Offices and the Sponsors will be allowed 14 calendar days from the date of the letter to submit the identified missing information or to explain inconsistencies in the application submission. No amendments or corrections to applications will be permitted after the June 15, 1988 application filing deadline. Further, all necessary actions (e.g., adoption of corporate resolutions) must have been taken on or before the deadline date for filing applications.

(20) HUD will make contract authority and budget authority under Section 8 of the United States Housing Act of 1937 available for successful Sponsors, subject to the availability of funds.

(21) A notice of approval will be sent to the Sponsors selected in accordance with the requirements of 24 CFR 885.220 (Review of Application for Fund Reservation) and on the basis of information furnished by the Sponsors as set forth in the Field Office Application Package.

(22) To be considered for Fiscal Year 1988 funding, new applications must be submitted under this Notice of Fund Availability.

(23) 24 CFR 885.410(j) contains a minimum capital investment requirement. This requirement applies to all Section 202 projects receiving fund reservations in Fiscal Year 1988. The minimum capital investment is currently established at one-half of 1 percent (0.5%) of the total HUD-approved mortgage amount, not to exceed \$10,000. Section 106(b) Seed Money Loan Funds, under 24 CFR Part 271, may not be used to satisfy the minimum capital investment requirement.

(24) HUD's regulations at 24 CFR Part 885 do not reflect several recent changes made to the Section 202 program that may be of relevance to Sponsors making applications under this NOFA. These changes were contained in the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) (1987 Act); the Housing and Urban Rural Recovery Act of 1983 (Pub. L. 98-181), approved November 30, 1983 (HURRA); and the Fiscal Year 1988 Appropriations Act.

The 1987 Act made many changes to the Section 202 program, including the creation of a new subsidy program for

Section 202 projects for the nonelderly handicapped, the revision of interest rate computation provisions, and the addition of requirements governing the cancellation of Section 202 loan authority reserved for a Sponsor.

The Department's regulations require significant revisions to reflect these statutory provisions. Rules making appropriate changes are currently under development at HUD. Pending the issuance of these rules, applicants should be aware that the statutory changes governing the calculation of the loan interest rate were effective upon enactment and apply to applications under this NOFA. An interim rule implementing these changes will be issued shortly.

Applicants should also be aware that the priority of funding contained in section 161(f) of the 1987 Act will apply to applications under this NOFA. Section 161(f) amended Section 202(a) to state that in reviewing applications for loans, the Department shall give a priority to any project that will provide housing designed to replace a structure that is owned by a public housing agency, contains not less than 100 dwelling units, is used for housing only elderly families, and is to be demolished. In order to provide the priority as specified herein, any proposal which fully meets the foregoing specifications will be awarded 10 bonus points over and above those which it may receive in the rating process plus any special needs points to which it may be entitled. This requirement is not applicable after September 30, 1988.

Three statutory changes made in section 223(e) of HURRA have not, as yet, been covered by HUD's regulations. The statutory changes include:

—HURRA added a provision specifying that, unless otherwise requested by the Sponsor, a maximum of 25 percent of the units in a project may be efficiency units, subject to a HUD determination that such units are appropriate for the elderly and handicapped population residing in the vicinity of the project or to be served by the project. The Department, in its annual housing notice governing each fiscal year's program, states that all projects for the elderly must include 25 percent efficiency units, unless a Sponsor can demonstrate that there is an insufficient market for such units. It also allows a Sponsor to choose to pay the additional cost of providing all one-bedroom units. (At its discretion, a Sponsor may also elect to include more than 25 percent efficiency units.) In a final rule

revising Part 885 published August 5, 1987 (52 FR 29010), HUD indicated that this change would be incorporated into a pending proposed rule. HUD now intends to incorporate this HURRA requirement with a proposed rule that addresses certain 1988 Act changes.

—HURRA also added a provision prohibiting the Secretary from denying any Sponsor the opportunity voluntarily to pay for amenities or design features not included in the loan. The annual housing notice specifies that a Sponsor may elect to pay for excess amenities that would not be permitted under the Department's cost containment guidelines or, if the Department denies a request for a waiver of the 25 percent efficiency unit requirement, may elect to pay the additional cost of one-bedroom units.

Note: Payment for excess amenities is permissible only if the residential characteristic of the proposal is not altered). This change will also be incorporated in a proposed rule making the 1988 Act changes.

—Finally, HURRA added a provision requiring the Secretary to take into account special design features necessary for housing for the elderly and handicapped and to adjust cost limits at least once annually to reflect changes in construction costs. The Department modifies the base cost limits published in 24 CFR 885.410, as necessary, by adjusting upward or downward the high cost percentages for each base locality. HUD annually reviews the high cost percentages to assure that adjustments are made to reflect changes in construction costs. In addition, special design features provided by Section 202, such as multi-purpose space, central dining rooms, etc., are not included in the calculations for the Section 202 per unit cost limits. In FR-2445 (published March 18, 1988, 53 FR 8874) HUD issued a final rule revising the base unit costs for various programs, including the base unit costs for the Section 202 program.

The FY-1988 Appropriations Act specifies that 25 percent of the direct loan authority provided in Fiscal Year 1988 shall be used for the purpose of providing loans for projects for the nonelderly handicapped. In order to comply with this requirement, the Department has chosen not to distribute the mandated percentage to all the HUD field offices. To do so would result in such small dollar allocations in some field offices that feasible projects could not be developed. Rather, priority will

be given to nonelderly handicapped proposals by placing all of these applications in the A(1) priority category and awarding them 10 extra points for qualifying under Item 25(B) of this Notice (see below). Finally, the Headquarters discretionary funds will be utilized, to the extent necessary, to satisfy any shortfall which may occur in the initial Regional Office selections for funding. Should all of these efforts fail due to there being insufficient approvable applications for housing for the handicapped to meet the 25 percent requirement, the unspent funds may not be transferred to fund housing for the elderly.

(25) To the extent that funds are available to fund new projects from the Headquarters Reserve (which Reserve shall constitute no more than 15 percent of the total Section 202 Fiscal Year 1988 loan authority), applications which are otherwise approvable but not funded by the Regional Offices from the field allocation may be considered for Headquarters funding, provided they meet at least one of the conditions set forth in Section 213(d)(4) of the Housing and Community Development Act of 1974, as amended:

(A) Unforeseeable housing needs, especially those brought on by natural disasters or special relocation requirements;

(B) Support for the needs of the handicapped (only if exclusively for the nonelderly handicapped);

(C) Support for minority enterprise;

(D) Providing assisted housing as a result of the settlement of litigation;

(E) Small research and demonstration projects;

(F) Lower-income housing needs described in housing assistance plans; or

(G) Innovative housing programs or alternative methods for meeting lower-income housing needs approved by the Secretary.

(26) Sponsors are invited to submit applications for Section 202 Fund Reservation in accordance with this Notice and with 24 CFR Part 885.

A finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-220), the information collection requirements contained in these Section 202 application requirements have been assigned OMB control number 2502-0267.

The Catalog of Federal Domestic Assistance Program title and number is 14.157, Housing for the Elderly or Handicapped.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q), sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: April 8, 1988.

James E. Schoenberger,

*General Deputy Assistant Secretary for
Housing—Federal Housing Commissioner.*

[FR Doc. 88-8103 Filed 4-12-88; 8:45 am]

BILLING CODE 4210-27-M

The American Medical Association is a national organization of physicians and surgeons, organized for the purpose of promoting the science and art of medicine, and of improving the medical education of the people. It is a non-profit corporation, organized under the laws of the United States, and is the largest and most influential of the medical organizations in this country. It is composed of more than 50,000 members, who are organized into local, state, and national associations. The Association is organized into three main departments: the Department of Medicine, the Department of Surgery, and the Department of Obstetrics and Gynecology. Each of these departments is further divided into various sections, and each section is headed by a president. The Association is also organized into various committees and subcommittees, which are responsible for the management of the Association's affairs. The Association's main office is located in Chicago, Illinois, and it has a number of regional offices throughout the United States. The Association's main purpose is to promote the science and art of medicine, and to improve the medical education of the people. It does this by publishing the Journal of the American Medical Association, which is one of the most influential medical journals in the world. It also publishes a number of other medical journals, and it sponsors a number of medical conferences and exhibitions. The Association is also responsible for the management of the American Medical College, which is one of the largest and most influential medical schools in the United States. The Association's main office is located in Chicago, Illinois, and it has a number of regional offices throughout the United States. The Association's main purpose is to promote the science and art of medicine, and to improve the medical education of the people. It does this by publishing the Journal of the American Medical Association, which is one of the most influential medical journals in the world. It also publishes a number of other medical journals, and it sponsors a number of medical conferences and exhibitions. The Association is also responsible for the management of the American Medical College, which is one of the largest and most influential medical schools in the United States.

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42 CFR Part 888

Wednesday
April 13, 1988

Part VII

Department of Housing and Urban Development

Office of the Assistant Secretary for
Housing-Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments
Program; Fair Market Rent Schedules for
Use in the Existing Housing Certificate
Program, Loan Management and Property
Disposition Programs, Moderate
Rehabilitation Program and Housing
Voucher Program; Proposed Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-88-1789; FR-2494]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed notice.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents periodically, but not less frequently than annually, and that Fair Market Rents must be made effective by October 1 of each year. The Department's regulations at 24 CFR Part 888 provide a notice and comment process for developing Fair Market Rents. Today's document proposes new Fair Market Rents for FY-1989. The proposal would amend Fair Market Rent schedules for the Section 8 Existing Housing Certificate Program (Part 882, Subparts A and B), including space rentals by owners of manufactured homes under the Section 8 Existing Housing Certificate Program (Part 882, Subpart F), the Section 8 Moderate Rehabilitation Program (Part 882, Subparts D and E), and Section 8 existing housing assisted under Part 886, Subparts A and C (Section 8 loan management and property disposition programs). In addition, FMRs are used to determine payment standard schedules in the Housing Voucher Program.

DATE: Comments are due June 13, 1988.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-0500. Each comment should include the commenter's name and address and must refer to the docket number indicated in the heading of this notice. To expedite processing, each commenter is requested to simultaneously submit a copy of its comments to the Economic and Market Analysis Staff in the appropriate HUD Field Office. A copy of each comment submitted to the Rules

Docket Clerk will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Housing Voucher Division, Office of Elderly and Assisted Housing, telephone (202) 755-6477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755-5577. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. Assistance Payments are limited by Fair Market Rents (FMRs) (or payment standards based on FMRs in the Housing Voucher Program) established by HUD for different areas.

In general, the FMR for an area is the amount that would be needed to rent privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

The FMRs proposed in this notice govern the following Section 8 Housing Assistance Payments Programs: The Section 8 Existing Housing Certificate Program under Part 882 (Subparts A and B), including space rentals by owners of manufactured homes (Subpart F), the Moderate Rehabilitation Program under Part 882 (Subparts D and E), the Section 8 Housing Assistance Program for Projects with HUD-insured or HUD-held Mortgages under Part 886 (Subpart A), as well as for existing housing under the Section 8 Housing Assistance Program for the Disposition without Substantial Rehabilitation of HUD-owned projects under Part 886 (Subpart C). In addition, FMRs are used to establish payment standards for the Housing Voucher Program.

II. Procedures for the Development of FMRs

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. The Department's regulations provide that HUD will develop FMRs by publishing proposed FMRs for public comment, analyzing the public comment, and publishing final FMRs. (See 24 CFR 888.115.)

Today's announcement of proposed FMRs comes less than a year after the

announcement of proposed FY-1988 FMRs. This schedule is necessary to meet the October 1, 1988 deadline for effective FY-1989 FMRs, as required by section 8(c)(1) of the United States Housing Act of 1937, as amended by section 142(a) of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988).

III. Fair Market Rent Schedules

This document proposes revised Fair Market Rents, which reflect estimated rent levels as of April 1, 1989. Schedules at the end of this document list the FMR levels for Existing Housing (Schedule B) and Manufactured Home Spaces in the Section 8 Existing Housing Certificate Program (Schedule D). FMRs for the Moderate Rehabilitation Program are 120 percent of the Schedule B Existing Housing Fair Market Rents (see 24 CFR 882.408(a) and 888.113(e)(1)). The FMR for a Single Room Occupancy (SRO) unit in the Section 8 Existing Housing Certificate Program is 75 percent of the zero-bedroom FMR listed in Schedule B. The FMR for an SRO unit in the Moderate Rehabilitation program is 75 percent of the Moderate Rehabilitation FMR for a zero-bedroom unit. For an SRO in the Housing Voucher Program, the PHA may request HUD approval of a payment standard amount within the range of 75 to 100 percent of the zero-bedroom FMR listed in Schedule B or the HUD approved community-wide exception rent.

IV. Method Used to Develop FMRs

The elements used by HUD in developing the FMRs are: (1) The 45th percentile rent (that is, the rent below which 45 percent of the standard quality rental housing units are distributed); (2) Rents based on units occupied by recent movers (households who moved within two years before the date of the survey data used in these calculations); and (3) Exclusion from the data base of public housing units and recently completed housing (units built within two years of the survey dates). (See 24 CFR 888.113.)

In establishing the proposed FMRs, HUD uses the most accurate data available. Data used to compute the FY-1989 FMRs include the 1980 Census data, post-1980 American Housing Survey (AHS) data and reliable area specific data submitted by public commenters in the development of the FY-1986, FY-1987 and FY-1988 FMRs.

This year's proposed FMRs were calculated by updating last year's final FMRs one additional year to April 1, 1989 based on the most recent CPI data available on average annual changes for

rents and utilities. The FMRs have been calculated for each Primary Metropolitan Statistical Area (PMSA), Metropolitan Statistical Area (MSA), and nonmetropolitan county. In accordance with section 142(b) of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988), separate FMRs are also established for Westchester County, NY. (The Department published separate FY-1988 FMRs for Westchester County on March 18, 1988 (53 FR 8888). The comment period for these FMRs ends on May 17, 1988. If the Westchester County FY-1988 FMRs are modified as a result of these public comments, the final FY-1989 FMRs for Westchester County will also incorporate appropriate revisions.)

As a result of decreases in local CPIs, the FMRs for five areas in Texas are proposed for modest decreases. These FMR areas are: The Dallas, TX PMSA; the Fort Worth-Arlington, TX PMSA; the Houston, TX PMSA; the Galveston-Texas City, TX PMSA; and the Brazoria, TX PMSA. All FMR areas in the State of Alaska are proposed for a 10 percent decrease, based on a reduction in the Anchorage, AL CPI which is used to adjust FMRs for the entire State. No changes are proposed for the Denver CO PMSA and the Boulder-Longmont CO PMSA, based on local CPI data. Proposed FMRs for Puerto Rico and the Virgin Islands will remain at last year's level, based on the advice of HUD's Caribbean Field Office.

This year's proposed FMRs incorporate the results of the 1984 AHS data for eleven metropolitan areas. Based on a case-by-case analysis of these surveys, HUD has proposed to modify the base FMRs for some areas. As a result, HUD has proposed to decrease FMRs for the Birmingham, AL MSA by six percent and to decrease FMRs for the Cleveland, OH PMSA by eight percent. For three other areas, the Memphis, TN MSA, the Norfolk-Virginia Beach-Newport News, VA MSA, and the San Jose, CA PMSA, the Department has proposed FMRs that are higher than those that would have been made using CPI adjustments. In four areas, the Buffalo, NY PMSA, the Niagara Falls, NY PMSA, the Providence, RI PMSA, and the Pawtucket-Woonsocket-Attleboro, RI PMSA, the Department will continue to base proposed FMRs on the local rental surveys submitted in 1986 and 1987. Finally, the Department

will continue to base FMRs for the Oklahoma City, OK MSA on the 1980 Census because HUD believes that these data, with CPI updates, best reflect the current rental market conditions for the area.

The special circumstances of these areas are consistent with the Department's efforts to "use the most accurate data available" and to describe the additional data in the publication of proposed FMRs. (See 24 CFR 888.113(d).)

This year's proposed FMRs for manufactured home spaces were calculated by updating last year's FMRs to April 1, 1989, using the most current average annual change in the CPI residential rent index (with heating costs included in the rent factored out). As a result of decreases in the CPI, FMRs for the following areas are proposed for decrease: the Dallas, TX PMSA; the Fort Worth-Arlington, TX PMSA; the Houston, TX PMSA; the Galveston-Texas City, TX PMSA; the Brazoria, TX PMSA; and all areas in the State of Alaska. In addition, proposed FMRs for the Denver, CO PMSA and the Boulder-Longmont, CO PMSA remain at the FY-1988 level, based on local CPI data. Proposed FMRs for fourteen other areas remain at the FY-1988 level as a result of definitional changes of metropolitan areas.

V. Request for Comments

The Department seeks public comment on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the methodology used) to justify any proposed changes. Changes may be proposed in all or any of the unit sizes on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire market area (Metropolitan Statistical Area, Primary Metropolitan Statistical Area, or nonmetropolitan county).

Local rental market surveys must show the 45th percentile rent levels. To be representative, the local data must exclude units built within the last two years of the survey, should include only standard quality rental housing units, should not be drawn solely from vacant units, and should approximate the same proportion of units by structure type (for example, highrise or single family detached) and date of construction as exists in the total local inventory. Since the Department's data base includes only recent movers, where possible, commenters may wish to submit surveys based only on recent movers.

Local rental market surveys may be conducted to cover all bedroom sizes, or only selected bedroom sizes. Surveys that cover only two-bedroom units are acceptable if rent proposals for other size units are consistent with established HUD differentials by bedroom size, or if other pertinent data are supplied to support the proposals for other size units. Where three- and four-bedroom units are surveyed, the following procedure must be used to determine appropriate FMR proposals:

(1) Determine the 45th percentile rents for the three- and four-bedroom units surveyed, (2) multiply the 45th percentile three-bedroom rent by 1.087 to determine the three-bedroom FMR, and (3) multiply the four-bedroom rent by 1.077 to determine the four-bedroom FMR. The use of these factors will produce the same upward adjustments in the rent differentials by bedroom size as those applied to the rent differentials for three- and four-bedroom units in the HUD methodology.

For areas where gross rents have increased significantly as a result of taxes or the costs of fuel and utilities applicable to a major portion of the FMR area, data relating to these increased costs may be submitted to justify revision of the FMRs. Data must be adequately described in order to facilitate evaluation and comparison with the cost data used in the Department's FMR calculations. Such descriptions must include the time periods in which the increased costs were applicable. All information provided must be representative of the rental inventory.

VI. Other Matters

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321-4374) is unnecessary, since the statutorily required establishment and review of fair market rents is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(1).

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the

project were not in the Section 8 program.

This document does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the document indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

Accordingly, the Fair Market Rent Schedules are proposed to be amended as follows:

Date: April 6, 1988.

James E. Schoenberger,
General Deputy Assistant Secretary for
Housing—Federal Housing Commissioner.

Section 8 Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program Schedules B & D—General Explanatory Notes

1. Geographic Coverage

a. Except as described in paragraph (c) below, FMRs for Existing Housing (Schedule B) are established for all Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for nonmetropolitan parts of counties in the New England States.

b. Except as described in paragraph (c) below, FMRs for Manufactured Home Spaces in the Section 8 Certificate Program (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each State.

c. FMRs for Existing Housing (Schedule B) and Manufactured Home Spaces in the Section 8 Certificate program (Schedule D) are also established for Westchester County, NY.

d. The current 338 MSAs and PMSAs are those established by the Office of Management and Budget effective October 18, 1986.

2. Arrangement of FMR Areas and Identification of Constituent Parts.

a. The FMR areas in Schedules B and D are listed alphabetically by MSA-PMSA and nonmetropolitan county within each State.

b. The constituent counties (and New England towns and cities) included in each MSA and PMSA are listed immediately following the MSA-PMSA names in each State listed in Schedule B. All of the constituent parts of an MSA that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210-27-M

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : ALABAMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANNISTON, AL MSA.....	232	281	330	415	464
COUNTY(IES): CALHOUN.....					
BIRMINGHAM, AL MSA.....	260	315	370	465	520
COUNT(IES): BLOUNT, JEFFERSON, ST CLAIR, SHELBY, WALKER.....					
COLUMBUS, GA-AL MSA.....	240	289	342	428	491
COUNTY(IES): RUSSELL.....					
DOTHAN, AL MSA.....	271	327	386	482	540
COUNTY(IES): DALE, HOUSTON.....					
FLORENCE, AL MSA.....	245	299	353	437	490
COUNTY(IES): COLBERT, LAUDERDALE.....					
GADSDEN, AL MSA.....	213	259	306	383	429
COUNTY(IES): ETOWAH.....					
HUNTSVILLE, AL MSA.....	273	330	389	487	545
COUNTY(IES): MADISON.....					
MOBILE, AL MSA.....	282	342	401	503	565
COUNTY(IES): BALDWIN, MOBILE.....					
MONTGOMERY, AL MSA.....	249	304	357	447	501
COUNTY(IES): AUTAUGA, ELMORE, MONTGOMERY.....					
TUSCALOOSA, AL MSA.....	261	318	375	468	525
COUNTY(IES): TUSCALOOSA.....					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SARBOUR.....	196	238	281	351	393
BULLOCK.....	200	243	286	358	400
CHAMBERS.....	194	236	278	348	389
CHILTON.....	190	232	274	342	382
CLARKE.....	213	259	306	383	429
CLEBURNE.....	194	236	278	348	389
CONECUH.....	213	259	306	383	429
COUINGTON.....	196	238	281	351	393
CULLMAN.....	237	288	340	425	476
DE KALB.....	224	272	319	398	448
FAYETTE.....	190	232	274	342	382
GENEVA.....	196	238	281	351	393
HALE.....	190	232	274	342	382
JACKSON.....	224	272	319	398	448
LAWRENCE.....	237	288	340	425	476
LIMESTONE.....	201	245	289	361	404
MACON.....	213	258	305	381	427
MARION.....	190	231	272	340	380
MONROE.....	213	259	306	383	429
PERRY.....	213	259	306	383	429
PIKE.....	213	258	305	381	427
BIBB.....	196	232	274	342	382
BUTLER.....	194	236	278	348	389
CHEROKEE.....	200	243	286	358	400
CHOCTAN.....	213	259	306	383	429
CLAY.....	194	236	278	348	389
COFFEE.....	196	238	281	351	393
COOSA.....	194	236	278	348	389
CRENSHAW.....	200	243	286	358	400
DALLAS.....	213	259	306	383	429
ESCAMBIA.....	180	220	257	323	361
FRANKLIN.....	190	231	272	340	380
GREENE.....	190	232	274	342	382
HENRY.....	196	238	281	351	393
LAMAR.....	190	232	274	342	382
LEE.....	243	295	348	435	488
LOWNDES.....	200	243	286	358	400
MARENGO.....	213	259	306	383	429
MARSHALL.....	209	254	298	370	414
MORGAN.....	237	288	340	425	476
PICKENS.....	190	232	274	342	382
RANDOLPH.....	194	236	278	348	389

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: ALABAMA

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SUMTER	213	259	306	383	429	TALLADEGA	194	278	348
TALLAPOOSA	194	236	278	348	389	WASHINGTON	213	306	429
WILCOX	213	259	306	383	429	WINSTON	190	272	340

S T A T E: ALASKA

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, AK MSA	402	489	576	806
COUNTY(IES): ANCHORAGE				

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEUTIAN I.	478	580	683	854	956	BETHEL	478	580	683
BRISTOL BAY	478	580	683	854	956	DILLINGHAM	478	580	683
FAIRBANKS-N-ST	393	478	562	703	788	HAINES	478	580	683
JUNEAU	478	580	683	854	956	KENAI-PENIN	393	478	562
KETCH-GATEWAY	478	580	683	854	956	KOBUK	478	580	683
KODIAK ISLAND	478	580	683	854	956	MATANUSKA-SU	393	478	562
NOME	478	580	683	854	956	NORTH SLOPE	478	580	683
P-WLS-O-KTCH	478	580	683	854	956	SITKA	478	580	683
SKGWY-YKT-AN	478	580	683	854	956	SE FAIRBANKS	393	478	562
VALDEZ-CORDO	393	478	562	703	788	WADE HAMPTON	478	580	683
WRNGLL-PTBR	478	580	683	854	956	YKN-KO/KK	478	580	683

S T A T E: ARIZONA

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHOENIX, AZ MSA	389	470	554	775
COUNTY(IES): MARICOPA				
TUCSON, AZ MSA	369	450	529	741
COUNTY(IES): PIMA				

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APACHE	270	328	386	483	541	COCHISE	275	335	393
COCONINO	342	416	489	613	686	GILA	277	338	399
GRAHAM	275	335	393	492	552	GREENLEE	275	335	393
LAPAZ	347	423	498	622	697	MOHAVE	347	423	498
NAUAJO	270	328	386	483	541	PINAL	277	338	399
SANTA CRUZ	275	335	393	492	552	YAVAPAI	342	416	489
YUMA	347	423	498	622	697				

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

03168R

STATE: ARKANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FAYETTEVILLE-SPRINGDALE, AR MSA.....	255	308	363	454	509
COUNTY(IES): WASHINGTON.....					
FORT SMITH, AR-OK MSA.....	246	300	353	442	495
COUNTY(IES): CRAWFORD, SEBASTIAN.....					
LITTLE ROCK-NORTH LITTLE ROCK, AR MSA.....	294	356	419	525	588
COUNTY(IES): FAULKNER, LONOKE, PULASKI, SALINE.....					
MEMPHIS, TN-AR-MS MSA.....	285	345	405	505	565
COUNTY(IES): CRITTENDEN.....					
PINE BLUFF, AR MSA.....	243	297	350	438	490
COUNTY(IES): JEFFERSON.....					
TEXARKANA, TX-TEXARKANA, AR MSA.....	244	296	349	437	489
COUNTY(IES): MILLER.....					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARKANSAS	197	238	281	352	395
BAXTER	243	295	344	423	472
BOONE	197	238	281	352	395
CALHOUN	234	285	337	420	472
CHICOT	217	264	309	388	435
CLAY	230	280	330	412	462
CLEVELAND	198	243	284	356	398
CONWAY	259	312	358	460	517
CROSS	198	243	284	356	398
DESHA	197	238	281	352	395
FRANKLIN	230	280	330	412	462
GARLAND	204	247	292	364	408
GREENE	202	243	288	361	404
HOTSPRING	202	243	288	361	404
INDEPENDENCE	230	280	330	412	462
JACKSON	203	245	291	363	406
LAFAYETTE	220	268	314	394	441
LEE	197	238	281	352	395
LITTLE RIVER	183	222	262	327	366
MADISON	234	285	337	420	472
MISSISSIPPI	177	216	255	318	355
MONTGOMERY	202	243	288	361	404
NEWTON	198	240	282	354	398
PERRY	208	255	300	370	414
PIKE	220	268	314	394	441
POLK	203	245	291	363	406
PRAIRIE	220	268	314	394	441
ST FRANCIS	183	222	262	327	366

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: ARKANSAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEARCY	234	285	337	420	472	SEVIER		202	243	288	361
SHARP	230	280	330	412	462	STONE		230	280	330	412
UNION	198	243	284	356	398	VAN BUREN		230	280	330	412
WHITE	230	280	330	412	462	WOODRUFF		230	280	330	412
YELL	203	246	291	363	406						

S T A T E: CALIFORNIA

O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANAHEIM-SANTA ANA, CA PMSA						553	671	790	987	1106	
COUNTY(IES): ORANGE											
BAKERSFIELD, CA MSA						378	458	540	675	756	
COUNTY(IES): KERN											
CHICO, CA MSA						331	403	474	592	663	
COUNTY(IES): BUTTE											
FRESNO, CA MSA						344	419	493	616	690	
COUNTY(IES): FRESNO											
LOS ANGELES-LONG BEACH, CA PMSA						491	588	684	876	990	
COUNTY(IES): LOS ANGELES											
MERCED, CA MSA						324	394	464	597	677	
COUNTY(IES): MERCED											
MODESTO, CA MSA						362	440	519	649	726	
COUNTY(IES): STANISLAUS											
OAKLAND, CA PMSA						539	654	772	965	1080	
COUNTY(IES): ALAMEDA, CONTRA COSTA											
OXNARD-VENTURA, CA PMSA						472	574	675	844	946	
COUNTY(IES): VENTURA											
REDDING, CA MSA						344	419	493	616	690	
COUNTY(IES): SHASTA											
RIVERSIDE-SAN BERNARDINO, CA PMSA						401	473	552	714	804	
COUNTY(IES): RIVERSIDE, SAN BERNARDINO											
SACRAMENTO, CA MSA						364	434	519	754	800	
COUNTY(IES): EL DORADO, PLACER, SACRAMENTO, YOLO											
SALINAS-SEASIDE-MONTEREY, CA MSA						413	502	589	739	827	
COUNTY(IES): MONTEREY											
SAN DIEGO, CA MSA						450	552	647	810	906	
COUNTY(IES): SAN DIEGO											
SAN FRANCISCO, CA PMSA						590	716	848	1056	1182	
COUNTY(IES): MARIN, SAN FRANCISCO, SAN MATEO											
SAN JOSE, CA PMSA						590	715	840	1050	1175	
COUNTY(IES): SANTA CLARA											
SANTA BARBARA-SANTA MARIA-LOMPOC, CA MSA						467	567	668	836	936	
COUNTY(IES): SANTA BARBAR											
SANTA CRUZ, CA PMSA						528	641	756	944	1058	
COUNTY(IES): SANTA CRUZ											

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : CALIFORNIA

SANTA ROSA-PETALUMA, CA PMSA.....	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): SONOMA.....	465	564	665	831	931
STOCKTON, CA MSA.....	320	386	455	582	679
COUNTY(IES): SAN JOAQUIN.....	432	493	580	837	903
VALLEJO-FAIRFIELD-NAPA, CA PMSA.....	321	391	460	667	730
COUNTY(IES): NAPA, SOLANO.....	284	346	407	536	601
VISALIA-TULARE-PORTERVILLE, CA MSA.....					
COUNTY(IES): TULARE.....					
YUBA CITY, CA MSA.....					
COUNTY(IES): SUTTER, YUBA.....					

NONMETROPOLITAN COUNTIES

ALPINE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): BOULDER	378	458	540	675	756
COLORADO SPRINGS, CO MSA.....	378	458	540	675	756
COUNTY(IES): EL PASO.....	344	419	493	616	690
DENVER, CO PMSA.....	355	431	508	635	712
COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON	378	458	540	675	756
COUNTY(IES): LARIMER					
COUNTY(IES): WELD					
PUEBLO, CO MSA.....					
COUNTY(IES): PUEBLO					
AMADOR	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): SONOMA.....	378	458	540	675	756
COLORADO SPRINGS, CO MSA.....	378	458	540	675	756
COUNTY(IES): EL PASO.....	344	419	493	616	690
DENVER, CO PMSA.....	355	431	508	635	712
COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON	378	458	540	675	756
COUNTY(IES): LARIMER					
COUNTY(IES): WELD					
PUEBLO, CO MSA.....					
COUNTY(IES): PUEBLO					
AMADOR	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): SONOMA.....	378	458	540	675	756
COLORADO SPRINGS, CO MSA.....	378	458	540	675	756
COUNTY(IES): EL PASO.....	344	419	493	616	690
DENVER, CO PMSA.....	355	431	508	635	712
COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON	378	458	540	675	756
COUNTY(IES): LARIMER					
COUNTY(IES): WELD					
PUEBLO, CO MSA.....					
COUNTY(IES): PUEBLO					

S T A T E : COLORADO

BOULDER-LONGMONT, CO PMSA.....	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): BOULDER	378	460	542	677	758
COLORADO SPRINGS, CO MSA.....	307	372	439	549	615
COUNTY(IES): EL PASO.....	360	426	502	624	700
DENVER, CO PMSA.....	353	430	505	632	708
COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON	306	371	437	547	613
COUNTY(IES): LARIMER	305	369	435	545	611
COUNTY(IES): WELD					
PUEBLO, CO MSA.....					
COUNTY(IES): PUEBLO					
ARCHULETA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): PUEBLO	305	369	435	545	611

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E : COLORADO

031688

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BACA	266	321	372	466	523
CHAFFEE	338	410	482	604	676
CLEAR CREEK	338	410	482	604	676
COSTILLA	305	369	435	545	611
CUSTER	338	410	482	604	676
DELORES	305	369	435	545	611
ELBERT	261	317	372	466	523
GARFIELD	383	465	548	686	767
GRAND	403	487	574	718	805
HINSDALE	403	487	574	718	805
JACKSON	403	487	574	718	805
KIT CARSON	261	317	372	466	523
LA PLATA	339	407	480	599	672
LINCOLN	286	321	372	466	523
MESA	383	465	548	686	767
MOFFAT	383	465	548	686	767
MONTEZUMA	305	369	435	545	611
MORGAN	261	317	372	466	523
OURAY	403	487	574	718	805
PHILLIPS	261	317	372	466	523
PROWERS	256	321	372	466	523
RIO GRANDE	305	369	435	545	611
SAGUACHE	305	369	435	545	611
SAN MIGUEL	403	487	574	718	805
SUMMIT	403	487	574	718	805
WASHINGTON	261	317	372	466	523
YUMA	261	317	372	466	523

S T A T E : CONNECTICUT

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRIDGEPORT-MILFORD, CT PMSA	424	515	608	758	851
COUNTY: FAIRFIELD TOWNS OF BRIDGEPORT, EASTON, FAIRFIELD, MONROE					
COUNTY: NEW HAVEN TOWNS OF ANSONIA, BEACON FALLS, DERBY, MILFORD					
COUNTY: OXFORD, SEYMOUR					
BRISTOL, CT PMSA	352	427	503	629	706
COUNTY: HARTFORD TOWNS OF BRISTOL, BURLINGTON					
COUNTY: LITCHFIELD TOWNS OF PLYMOUTH					
DANBURY, CT PMSA	459	559	658	823	922
COUNTY: FAIRFIELD TOWNS OF BETHEL, BROOKFIELD, DANBURY, NEW FAIRFIELD					
COUNTY: NEWTOWN, REDDING, RIDGEFIELD, SHERMAN					

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

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S T A T E : C O N N E C T I C U T

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY: LITCHFIELD TOWNS OF BRIDGEWATER, NEW MILFORD					
HARTFORD, CT PMSA.....	423	516	603	760	847
COUNTY: HARTFORD TOWNS OF AVON, BLOOMFIELD, CANTON, EAST GRANBY					
EAST HARTFORD, EAST WINDSOR, ENFIELD, FARMINGTON					
GLASTONBURY, GRANBY, HARTFORD, MANCHESTER					
MARLBOROUGH, NEWINGTON, ROCKY HILL, SIMSBURY					
SOUTH WINDSOR, SUFFIELD, WEST HARTFORD, WETHERSFIELD					
WINDSOR, WINDSOR LOCK					
COUNTY: LITCHFIELD TOWNS OF BARKHAMSTED, NEW HARTFORD					
COUNTY: MIDDLESEX TOWNS OF EAST HADDAM					
COUNTY: NEW LONDON TOWNS OF COLCHESTER					
COUNTY: TOLLAND TOWNS OF ANDOVER, BOLTON, COLUMBIA, COVENTRY					
ELLINGTON, HEBRON, SOMERS, STAFFORD, TOLLAND, VERNON					
WILLINGTON					
MIDDLETOWN, CT PMSA.....	356	434	511	640	716
COUNTY: MIDDLESEX TOWNS OF CROMWELL, DURHAM, EAST HAMPTON, HADDAM					
MIDDLEFIELD, MIDDLETOWN, PORTLAND					
NEW BRITAIN, CT PMSA.....	377	458	539	674	756
COUNTY: HARTFORD TOWNS OF BERLIN, NEW BRITAIN, PLAINVILLE					
SOUTHINGTON					
NEW HAVEN-MERIDEN, CT MSA.....	456	555	653	817	915
COUNTY: MIDDLESEX TOWNS OF CLINTON, KILLINGWORTH					
COUNTY: NEW HAVEN TOWNS OF BETHANY, BRANFORD, CHESHIRE, EAST HAVEN					
GUILFORD, HAMDEN, MADISON, MERIDEN, NEW HAVEN					
NORTH BRANFORD, NORTH HAVEN, ORANGE, WALLINGFORD					
WEST HAVEN, WOODBRIDGE					
NEW LONDON-NORWICH, CT-RI MSA.....	405	493	579	724	812
COUNTY: NEW LONDON TOWNS OF BOZRAH, EAST LYME, FRANKLIN, GRISWOLD					
GROTON, LEDYARD, LISBON, MONTVILLE, NEW LONDON					
NORTH STONIN, NORWICH, OLD LYME, PRESTON, SALEM					
SPRAGUE, STONINGTON, WATERFORD					
COUNTY: WINDHAM TOWNS OF CANTERBURY					
NORWALK, CT PMSA.....	489	594	699	873	979
COUNTY: FAIRFIELD TOWNS OF NORWALK, WESTON, WESTPORT, WILTON					
STAMFORD, CT PMSA.....	590	716	843	1054	1180
COUNTY: FAIRFIELD TOWNS OF DARIEN, GREENWICH, NEW CANAAN, STAMFORD					
WATERBURY, CT MSA.....	367	445	524	655	734
COUNTY: LITCHFIELD TOWNS OF BETHLEHEM, THOMASTON, WATERTOWN					
WOODBURY					
COUNTY: NEW HAVEN TOWNS OF MIDDLESBURY, NAUGATUCK, PROSPECT					
SOUTHBRURY, WATERBURY, WOLCOTT					
NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES					
HARTFORD COUNTY TOWNS OF HARTLAND					
LITCHFIELD COUNTY TOWNS OF CANAAN, COLEBROOK, CORNWALL, GOSHEN					
HARWINTON, KENT, LITCHFIELD, MORRIS, NORFOLK, NORTH CANAAN					
ROXBURY, SALISBURY, SHARON, TORRINGTON, WARREN, WASHINGTON					
WINCHESTER					
O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	
352	427	503	629	706	
390	473	556	696	780	

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

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S T A T E: CONNECTICUT

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES
 MIDDLESEX COUNTY TOWNS OF CHESTER, DEEP RIVER, ESSEX, OLD SAYBROOK
 WESTBROOK
 NEW LONDON COUNTY TOWNS OF LEBANON, LYME, VOLUNTOWN
 TOLLAND COUNTY TOWNS OF MANSFIELD, UNION
 WINDHAM COUNTY TOWNS OF ASHFORD, BROOKLYN, CHAPLIN, EASTFORD, HAMPTON
 KILLINGLY, PLAINFIELD, POMFRET, PUTNAM, SCOTLAND, STERLING
 THOMPSON, WINDHAM, WOODSTOCK

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
437	529	623	779	872
312	380	447	560	627
422	513	603	755	846
373	453	534	667	749

S T A T E: DELAWARE

WILMINGTON, DE-NJ-MD PMSA.....
 COUNTY(IES): NEW CASTLE

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
380	455	541	676	804

NONMETROPOLITAN COUNTIES

KENT O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
 273 330 389 492 545 SUSSEX

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
273	330	389	492	545

S T A T E: DIST. OF COLUMBIA

WASHINGTON, DC-MD-VA MSA.....
 COUNTY(IES): WASHINGTON

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
470	570	671	838	939

S T A T E: FLORIDA

BRADENTON, FL MSA.....
 COUNTY(IES): MANATEE
 DAYTONA BEACH, FL MSA.....
 COUNTY(IES): VOLUSIA
 FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA.....
 COUNTY(IES): BROWARD
 FORT MYERS-CAPE CORAL, FL MSA.....
 COUNTY(IES): LEE
 FORT PIERCE, FL MSA.....
 COUNTY(IES): MARTIN, ST LUCIE
 FORT WALTON BEACH, FL MSA.....
 COUNTY(IES): OKALOOSA
 GAINESVILLE, FL MSA.....
 COUNTY(IES): ALACHUA, BRADFORD
 JACKSONVILLE, FL MSA.....
 COUNTY(IES): CLAY, DUVAL, NASSAU, ST JOHNS
 LAKELAND-WINTER HAVEN, FL MSA.....
 COUNTY(IES): POLK

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
342	416	490	612	686
331	401	472	591	662
271	450	530	663	742
352	427	502	629	705
352	427	502	629	705
235	285	335	420	470
298	362	426	533	596
311	378	446	557	625
280	342	402	503	564

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : FLORIDA

	0	BEDROOMS	1	BEDROOM	2	BEDROOMS	3	BEDROOMS	4	BEDROOMS
MELBOURNE-TITUSVILLE-PALM BAY, FL MSA.....	322	386	455	529	667	743				
COUNTY(IES): BREVARD										
MIAMI-HIALEAH, FL PMSA.....	379	452	516	646	723					
COUNTY(IES): DADE										
NAPLES, FL MSA.....	361	437	516	646	723					
COUNTY(IES): COLLIER										
OCALA, FL MSA.....	250	316	371	454	520					
COUNTY(IES): MARION										
ORLANDO, FL MSA.....	344	419	492	599	669					
COUNTY(IES): ORANGE, OSCEOLA, SEMINOLE										
PANAMA CITY, FL MSA.....	249	304	358	448	500					
COUNTY(IES): BAY										
PENSACOLA, FL MSA.....	278	340	399	499	559					
COUNTY(IES): ESCAMBIA, SANTA ROSA										
SARASOTA, FL MSA.....	370	450	530	661	742					
COUNTY(IES): SARASOTA										
TALLAHASSEE, FL MSA.....	294	356	420	525	587					
COUNTY(IES): GADSDEN, LEON										
TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA.....	308	374	440	551	618					
COUNTY(IES): HERNANDO, HILLSBOROUGH, PASCO, PINELLAS										
WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL MSA.....	359	429	499	610	672					
COUNTY(IES): PALM BEACH										

NONMETROPOLITAN COUNTIES

	O	BEDROOMS	1	BEDROOM	2	BEDROOMS	3	BEDROOMS	4	BEDROOMS
BAKER	227	274	323	404	454					
CHARLOTTE	340	414	487	608	682					
COLUMBIA	233	283	332	416	466					
DIXIE	208	255	300	374	420					
FRANKLIN	192	233	273	343	384					
GLADES	340	414	487	608	682					
HAMILTON	208	255	300	374	420					
HENDRY	340	414	487	608	682					
HOLMES	223	270	319	399	447					
JACKSON	200	242	285	357	400					
LAFAYETTE	208	255	300	374	420					
LEVY	260	316	371	464	520					
MADISON	208	255	300	374	420					
OKEECHOBEE	244	297	349	436	490					
SUMTER	260	314	371	464	520					
TAYLOR	208	255	300	374	420					
WAKULLA	221	268	316	396	442					
WASHINGTON	223	272	320	401	448					

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

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S T A T E : GEORGIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY, GA MSA	258	311	368	461	516
COUNTY(IES): DOUGHERTY, LEE					
ATHENS, GA MSA	266	325	382	477	534
COUNTY(IES): CLARKE, JACKSON, MADISON, O'CONNOR					
ATLANTA, GA MSA	372	451	529	662	740
COUNTY(IES): BARROW, BUTTS, CHEROKEE, CLAYTON, COBB, COWETA, DE KALB, DOUGLAS, FAYETTE, FORSYTH, FULTON, GWINNETT, HENRY, NEWTON, PAULDING, ROCKDALE, SPALDING, WALTON					
AUGUSTA, GA-SC MSA	271	327	382	477	534
COUNTY(IES): COLUMBIA, MCDUFFIE, RICHMOND					
CHATTANOOGA, TN-GA MSA	289	351	413	517	580
COUNTY(IES): CATOOSA, DADE, WALKER					
COLUMBUS, GA-AL MSA	240	289	342	428	481
COUNTY(IES): CHATTAHOOCHE, COLUMBUS					
MACON-WARNER ROBINS, GA MSA	267	327	386	481	536
COUNTY(IES): BIBB, HOUSTON, JONES, PEACH					
SAVANNAH, GA MSA	271	330	389	485	544
COUNTY(IES): CHATHAM, EFFINGHAM					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLING	222	270	319	398	446
BACON	209	254	298	373	419
BALDWIN	212	258	303	379	425
BARTON	225	274	324	404	454
BERRIEN	220	267	314	394	440
BRANTLEY	209	254	298	373	419
BRYAN	257	298	352	439	493
BURKE	213	259	304	382	427
CAMDEN	246	298	352	439	493
CARROLL	257	309	364	456	509
CHATTOOGA	225	274	324	404	454
CLINCH	209	254	298	373	419
COLQUITT	215	261	306	384	430
CRAWFORD	180	219	258	323	360
DAWSON	203	250	291	361	401
DODGE	217	264	306	385	425
EARLY	217	264	306	385	425
ELBERT	205	249	293	367	411
EVANS	222	270	319	398	446
FLOYD	225	274	324	404	454
GILMER	241	293	344	431	483
GLYNN	246	298	352	439	493
GRADY	217	264	306	385	430
ATKINSON	209	254	298	373	419
BAKER	217	264	306	385	430
BANKS	200	244	287	358	401
BEN HILL	220	267	314	394	440
BLECKLEY	217	264	306	385	425
BROOKS	220	267	314	394	440
BULLOCH	222	270	319	398	446
CALHOUN	217	264	306	385	430
CANDLER	222	270	319	398	446
CHARLTON	217	263	306	378	419
CLAY	217	264	306	385	430
COFFEE	209	254	298	373	419
COOK	220	267	314	394	440
CRISP	215	261	306	384	430
DECATUR	217	264	306	385	430
DOOLY	217	264	306	385	430
ECHOLS	220	267	314	394	440
EMANUEL	213	259	304	382	427
FANNIN	241	293	344	431	483
FRANKLIN	200	244	287	358	401
GLASCOCK	213	259	304	382	427
GORDON	225	274	324	404	454
GREENE	203	246	290	362	405

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: GEORGIA

031688

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HABERSHAM	224	272	322	401	450	HALL	289	347	412	514	579
HANCOCK	217	264	306	385	425	HARALSON	225	274	324	404	454
HARRIS	219	267	309	386	430	HART	200	244	287	358	401
HEARD	238	290	341	427	478	IRWIN	220	267	314	394	440
JASPER	217	264	306	385	425	JEFF DAVIS	222	270	319	398	446
JEFFERSON	213	259	304	382	427	JENKINS	213	259	304	382	427
JOHNSON	217	264	306	385	425	LAMAR	199	241	285	356	398
LANIER	220	267	314	394	440	LAURENS	212	258	303	379	425
LIBERTY	246	298	352	439	493	LINCOLN	213	259	304	382	427
LONG	203	250	291	361	401	LOWNDES	220	267	314	394	440
LUMPKIN	203	250	291	361	401	MCINTOSH	246	298	352	439	493
MACON	217	264	306	385	425	MARION	219	267	309	386	430
MERIWETHER	238	290	341	427	478	MILLER	217	264	306	385	430
MITCHELL	217	264	306	385	430	MONROE	180	219	258	323	360
MONTGOMERY	219	268	314	388	430	MORGAN	203	246	290	362	405
MURRAY	241	293	344	431	483	OGLETHORPE	203	246	290	362	405
PICKENS	241	293	344	431	483	PIERCE	209	254	298	373	419
PIKE	199	241	285	356	398	POLK	225	276	324	404	454
PULASKI	217	264	306	385	425	PUTNAM	217	264	306	385	425
QUITMAN	215	261	306	384	430	RABUN	203	250	291	361	401
RANDOLPH	217	264	306	385	430	SCHLEY	219	267	309	386	430
SCREVEN	219	268	314	388	430	SEMINOLE	217	264	306	385	430
STEPHENS	235	289	337	423	471	STEWART	219	267	309	386	430
SUMTER	240	294	347	433	486	TALBOT	215	261	306	384	430
TALIAFERRO	213	259	304	382	427	TATTNALL	222	270	319	398	446
TAYLOR	217	264	306	385	430	TELFAIR	217	264	306	385	425
TERRELL	217	264	306	385	430	THOMAS	251	304	358	450	503
TIFT	220	267	314	394	440	TOOMBS	222	270	319	398	446
TOWNS	203	250	291	361	401	TREUTLEN	217	264	306	385	425
TROUP	244	294	345	430	479	TURNER	220	267	314	394	440
TWIGGS	180	219	258	323	360	UNION	203	250	291	361	401
UPSON	199	241	285	356	398	WARE	209	254	298	373	419
WARREN	213	259	304	382	427	WASHINGTON	217	264	306	385	425
WAYNE	222	270	319	398	446	WEBSTER	219	267	309	386	430
WHEELER	217	264	306	385	425	WHITE	203	250	291	361	401
WHITFIELD	241	293	344	431	483	WILCOX	217	264	306	385	425
WILKES	213	259	304	382	427	WILKINSON	217	264	306	385	425
WORTH	217	264	306	385	430						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR. AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : HAWAII

HONOLULU, HI MSA.....
COUNTY(IES): HONOLULU

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
433	527	619	779	873

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
421	510	599	751	841
421	510	599	751	841

KAUAI

S T A T E : IDAHO

BOISE CITY, ID MSA.....
COUNTY(IES): ADA

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
356	433	510	637	714

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
277	338	397	496	557
288	350	412	516	578
290	353	412	516	578
277	338	397	496	557
311	377	445	556	623

BANNOCK
BENEWAH
BLAINE
BONNER
BOUNDARY

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
311	377	445	556	623
277	338	397	496	557
295	358	422	527	591
288	350	412	516	578
277	338	397	496	557

CAMAS
CARIBOU
CLARK
CUSTER
FRANKLIN

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
311	377	445	556	623
295	358	422	527	591
311	377	445	556	623
288	350	412	516	578
311	377	445	556	623

GEM
IDAHO
JEROME
LATAH
LEWIS

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
295	358	422	527	591
295	358	422	527	591
288	350	412	516	578
277	338	397	496	557
288	350	412	516	578

MADISON
NEZ PERCE
OWYHEE
POWER
TETON

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
295	358	422	527	591
295	358	422	527	591
277	338	397	496	557
288	350	412	516	578

VALLEY

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E I L L I N O I S

031688

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA-ELGIN, IL PMSA.....	413	504	594	742	833
COUNTY(IES): KANE, KENDALL					
BLOOMINGTON-NORMAL, IL MSA.....	305	372	437	546	612
COUNTY(IES): MCLEAN					
CHAMPAIGN-URBANA-RANTOUL, IL MSA.....	297	360	425	533	595
COUNTY(IES): CHAMPAIGN					
CHICAGO, IL PMSA.....	403	496	580	729	815
COUNTY(IES): COOK, DU PAGE, MCHENRY					
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA.....	326	396	466	582	652
COUNTY(IES): HENRY, ROCK ISLAND					
DECATUR, IL MSA.....	297	360	425	533	595
COUNTY(IES): MACON					
JOLIET, IL PMSA.....	416	506	598	746	838
COUNTY(IES): GRUNDY, WILL					
KANKAKEE, IL MSA.....	294	356	420	525	589
COUNTY(IES): KANKAKEE					
LAKE COUNTY, IL PMSA.....	426	518	608	764	855
COUNTY(IES): LAKE					
PEORIA, IL MSA.....	344	418	491	615	688
COUNTY(IES): PEORIA, TAZEWELL, WOODFORD					
ROCKFORD, IL MSA.....	312	380	447	558	625
COUNTY(IES): BOONE, WINNEBAGO					
ST. LOUIS, MO-IL MSA.....	310	378	445	559	626
COUNTY(IES): CLINTON, JERSEY, MADISON, MONROE, ST. CLAIR					
SPRINGFIELD, IL MSA.....	313	381	448	560	627
COUNTY(IES): MENARD, SANGAMON					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDER	215	261	309	385	431
BROWN	233	282	333	416	466
CALHOUN	260	316	373	465	521
CASS	267	320	379	468	521
CLARK	255	312	366	458	513
COLES	255	312	366	458	513
CUMBERLAND	255	312	366	458	513
DE WITT	255	312	366	458	513
EDGAR	255	312	366	458	513
EFFINGHAM	240	291	344	429	482
FORD	267	323	381	478	535
FULTON	283	345	407	508	569
GREENE	260	316	373	465	521
HANCOCK	249	303	356	447	501
HENDERSON	249	303	356	447	501
JACKSON	272	329	389	487	545

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E I L L I N O I S

031688

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JASPER	240	291	344	429	482	JEFFERSON	262	317	378	471	525
JO DAVIESS	263	319	377	471	527	JOHNSON	215	261	309	385	431
KNOX	276	335	393	493	553	LA SALLE	321	390	459	575	644
LAWRENCE	240	291	344	429	482	LEE	321	390	459	575	644
LIVINGSTON	267	323	381	478	535	LOGAN	267	320	379	468	521
MCDONOUGH	255	311	362	451	501	MACOUPIN	269	326	384	481	539
MARION	240	291	344	429	482	MARSHALL	283	345	407	508	569
MASON	267	320	379	468	521	MASSAC	215	261	309	385	431
MERCER	249	303	356	447	501	MONTGOMERY	269	326	384	481	539
MORGAN	267	320	379	468	521	MOULTRIE	269	326	384	481	539
OGLE	263	319	377	471	527	PERRY	255	312	366	458	513
PIATT	255	312	366	458	513	PIKE	233	282	333	416	466
POPE	215	261	309	385	431	PULASKI	215	261	309	385	431
PUTNAM	283	345	407	508	569	RANDOLPH	255	312	366	458	513
RICHLAND	240	291	344	429	482	SALINE	215	261	309	385	431
SCHUYLER	233	282	333	416	466	SCOTT	267	320	379	468	521
SHELBY	269	326	384	481	539	STARK	283	345	407	508	569
STEPHENSON	263	319	377	471	527	UNION	215	261	309	385	431
VERMILION	267	323	381	478	535	WABASH	233	282	333	416	466
WARREN	255	311	362	451	501	WASHINGTON	255	312	366	458	513
WAYNE	233	282	333	416	466	WHITE	233	282	333	416	466
WHITESIDE	321	390	459	575	644	WILLIAMSON	272	329	389	487	545

S T A T E I N D I A N A

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, IN MSA.....	254	310	363	456	511
COUNTY(IES): MADISON					
BLOOMINGTON, IN MSA.....	275	334	393	493	551
COUNTY(IES): MONROE					
CINCINNATI, OH-KY-IN PMSA.....	269	329	388	485	540
COUNTY(IES): DEARBORN					
ELKHART-GOSHEN, IN MSA.....	269	325	384	480	538
COUNTY(IES): ELKHART					
EVANSVILLE, IN-KY MSA.....	283	336	394	495	553
COUNTY(IES): POSEY, VANDERBURGH, WARRICK					
FORT WAYNE, IN MSA.....	283	341	397	499	553
COUNTY(IES): ALLEN, DE KALB, WHITLEY					
GARY-HAMMOND, IN PMSA.....	332	402	473	592	664
COUNTY(IES): LAKE, PORTER					
INDIANAPOLIS, IN MSA.....	285	350	410	515	575
COUNTY(IES): BOONE, HAMILTON, HANCOCK, HENDRICKS, JOHNSON, MARION					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

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S T A T E I N D I A N A

MORGAN, SHELBY

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KOKOMO, IN MSA	280	342	400	502	562
COUNTY(IES) HOWARD, TIPTON					
LAFAYETTE-WEST LAFAYETTE, IN MSA	296	360	424	530	594
COUNTY(IES) TIPPECANOE					
LOUISVILLE, KY-IN MSA	258	312	366	457	512
COUNTY(IES) CLARK, FLOYD, HARRISON					
MUNCIE, IN MSA	244	294	346	429	480
COUNTY(IES) DELAWARE					
SOUTH BEND-MISHAWAKA, IN MSA	277	335	391	485	540
COUNTY(IES) ST JOSEPH					
TERRE HAUTE, IN MSA	251	306	357	443	493
COUNTY(IES) CLAY, VIGO					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	250	303	353	441	495
BENTON	239	291	344	429	480
BROWN	282	344	404	506	567
CASS	248	302	355	443	498
CRAWFORD	207	251	295	371	416
DECATUR	282	344	404	506	567
FAYETTE	243	293	344	429	480
FRANKLIN	243	293	344	429	480
GIBSON	269	325	384	480	538
GREENE	233	282	334	418	467
HUNTINGTON	247	301	353	441	495
JASPER	250	304	357	447	501
JEFFERSON	269	325	384	480	538
KNOX	239	287	334	418	467
LAGRANGE	256	311	365	458	513
LAWRENCE	259	316	372	465	520
MARTIN	233	282	334	418	467
MONTGOMERY	239	291	344	429	480
NOBLE	255	311	365	458	513
ORANGE	207	251	295	371	416
PARKE	239	291	344	429	480
PIKE	269	325	384	480	538
PUTNAM	248	302	355	443	498
RIPLEY	269	325	384	480	538
SCOTT	256	312	367	460	515
STARKE	250	304	357	447	501
SULLIVAN	239	291	344	429	480
BARTHOLOMEW	282	344	404	506	567
BLACKFORD	226	275	323	404	454
CARROLL	239	291	344	429	480
CLINTON	239	291	344	429	480
DAVIES	233	282	334	418	467
DUBOIS	207	251	295	371	416
FOUNTAIN	239	291	344	429	480
FULTON	232	281	331	416	465
GRANT	226	275	323	404	454
HENRY	226	275	323	404	454
JACKSON	282	344	404	506	567
JAY	226	275	323	404	454
JENNINGS	282	344	404	506	567
KOSCIUSKO	256	310	364	449	501
LA PORTE	272	330	388	485	545
MARSHALL	250	304	357	447	501
MIAMI	248	302	355	443	498
NEWTON	250	304	357	447	501
OHIO	269	325	384	480	538
OWEN	274	333	391	490	549
PERRY	207	251	295	371	416
RULASKI	250	304	357	447	501
RANDOLPH	226	275	323	404	454
RUSH	239	291	344	429	480
SPENCER	207	251	295	371	416
STEBEN	255	311	365	458	513
SWITZERLAND	269	325	384	480	538

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E I N D I A N A

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
UNION	243	293	344	429	480	VERMILLION	248	301	351	436	483
WABASH	232	281	331	416	465	WARREN	239	291	344	429	480
WASHINGTON	277	337	396	497	556	WAYNE	244	294	346	429	480
WELLS	252	304	354	443	495	WHITE	239	291	344	429	480

S T A T E I O W A

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CEDAR RAPIDS, IA MSA	317	383	451	566	635
COUNTY(IES): LINN					
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA	326	396	466	582	652
COUNTY(IES): SCOTT					
DES MOINES, IA MSA	314	382	450	565	632
COUNTY(IES): DALLAS, POLK, WARREN					
DUBUQUE, IA MSA	293	354	417	522	585
COUNTY(IES): DUBUQUE					
IOWA CITY, IA MSA	332	404	475	594	665
COUNTY(IES): JOHNSON					
OMAHA, NE-IA MSA	288	349	411	515	578
COUNTY(IES): POTTAWATTAMI					
SIOUX CITY, IA-NE MSA	285	346	408	510	572
COUNTY(IES): WOODBURY					
WATERLOO-CEDAR FALLS, IA MSA	318	384	453	568	637
COUNTY(IES): BLACK HAWK, BREMER					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	240	292	343	430	481	ADAMS	240	292	343	430	481
ALLAMAKEE	253	307	363	453	508	APPANOOSE	240	292	343	430	481
AUDUBON	254	309	365	455	510	BENTON	248	301	354	444	497
BOONE	290	350	413	517	579	BUCHANAN	253	307	363	453	508
BUENA VISTA	249	302	356	445	500	BUTLER	253	307	363	453	508
CALHOUN	254	309	365	455	510	CARROLL	254	309	365	455	510
CASS	261	317	372	466	522	CEDAR	283	343	405	506	568
CERRO GORDO	251	305	360	449	504	CHEROKEE	254	309	365	455	510
CHICKASAW	253	307	363	453	508	CLARKE	240	292	343	430	481
CLAY	249	302	356	445	500	CLAYTON	253	307	363	453	508
CLINTON	283	343	405	506	568	CRAWFORD	254	309	365	455	510
DAVIS	240	292	343	430	481	DECATUR	240	292	343	430	481
DELAWARE	283	343	405	506	568	DES MOINES	266	324	380	476	534
DICKINSON	249	302	356	445	500	EMMET	249	302	356	445	500
FAYETTE	253	307	363	453	508	FLOYD	251	305	360	449	504
FRANKLIN	251	305	360	449	504	FREMONT	261	317	372	466	522

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMRS FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMRS FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMRS, AND THE CALCULATION OF THE FMRS FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMRS, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: IOWA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENE	254	309	365	455	510	GRUNDY	253	307	363	453
GUTHRIE	254	309	365	455	510	HAMILTON	254	309	365	455
HANCOCK	251	305	360	449	504	HARDIN	264	321	377	472
HARRISON	261	317	372	466	522	HENRY	266	324	380	476
HOWARD	263	307	363	453	508	HUMBOLDT	254	309	365	455
IDA	254	309	365	455	510	IOWA	248	301	354	444
JACKSON	283	343	405	506	568	JASPER	268	327	383	480
JEFFERSON	265	322	378	474	531	JONES	248	301	354	444
KEOKUK	249	302	356	445	499	KOSSUTH	251	305	360	449
LEE	266	324	380	476	534	LOUISA	266	324	380	476
LUCAS	240	292	343	430	481	LYON	249	302	356	445
MADISON	268	327	383	480	538	MAHASKA	240	292	343	430
MARION	268	327	383	480	538	MARSHALL	264	321	377	472
MILLS	261	317	372	466	522	MITCHELL	251	305	360	449
MONONA	254	309	365	455	510	MONROE	240	292	343	430
MONTGOMERY	261	317	372	466	522	MUSCATINE	266	324	380	476
O BRIEN	249	302	356	445	500	OSCEOLA	249	302	356	445
PAGE	261	317	372	466	522	PALO ALTO	249	302	356	445
PLYMOUTH	254	309	365	455	510	POCAHONTAS	254	309	365	455
POWESHTEK	264	321	377	472	530	RINGGOLD	240	292	343	430
SAC	254	309	365	455	510	SHELBY	261	317	372	466
SIoux	249	302	356	445	500	STORY	290	350	413	517
TAMA	264	321	377	472	530	TAYLOR	240	292	343	430
UNION	240	292	343	430	481	VAN BUREN	240	292	343	430
WAPELLO	283	342	404	505	566	WASHINGTON	248	301	354	444
WAYNE	240	292	343	430	481	WEBSTER	254	309	365	455
WINNEBAGO	251	305	360	449	504	WINNESHIEK	253	307	363	453
WORTH	251	305	360	449	504	WRIGHT	254	309	365	455

S T A T E: KANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MO-KS MSA	303	368	433	541	605
COUNTY(IES): JOHNSON, LEAVENWORTH, MIAMI, WYANDOTTE					
LAWRENCE, KS MSA	319	387	456	570	639
COUNTY(IES): DOUGLAS					
TOPEKA, KS MSA	289	352	413	518	579
COUNTY(IES): SHAWNEE					
WICHITA, KS MSA	308	374	445	553	617
COUNTY(IES): BUTLER, HARVEY, SEDGWICK					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E : KANSAS

NONMETROPOLITAN COUNTIES

	O	BEDROOMS 1	BEDROOMS 2	BEDROOMS 3	BEDROOMS 4		O	BEDROOMS 1	BEDROOMS 2	BEDROOMS 3	BEDROOMS 4
ALLEN	202	244	288	360	405	ANDERSON	202	244	298	360	405
ATCHISON	233	282	333	416	466	BARBER	234	284	335	418	468
BARTON	234	284	335	416	466	BOURBON	202	244	288	360	405
BROWN	233	282	333	416	466	CHASE	254	310	365	456	510
CHAUTAUQUA	202	244	288	360	405	CHEROKEE	213	260	306	383	429
CHEYENNE	204	247	291	365	409	CLARK	240	291	343	429	482
CLAY	254	310	365	456	510	CLOUD	252	307	361	453	506
COFFEY	254	310	365	456	510	COMANCHE	234	284	335	418	468
COWLEY	202	244	288	360	405	CRAWFORD	213	260	306	383	429
DECATUR	204	247	291	365	409	DICKINSON	254	310	365	456	510
DONIPHAN	233	282	333	416	466	EDWARDS	234	284	335	418	468
ELK	202	244	288	360	405	ELLIS	204	247	291	365	409
ELLSWORTH	252	307	361	453	506	FINNEY	240	291	343	429	482
FORD	240	291	343	429	482	FRANKLIN	221	268	315	393	441
GEARY	254	310	365	456	510	GOVE	204	247	291	365	409
GRAHAM	204	247	291	365	409	GRANT	240	291	343	429	482
GRAY	240	291	343	429	482	GREELEY	240	291	343	429	482
GREENWOOD	254	310	365	456	510	HAMILTON	240	291	343	429	482
HARPER	234	284	335	418	468	HASKELL	240	291	343	429	482
HODGEMAN	240	291	343	429	482	JACKSON	233	282	333	416	466
JEFFERSON	221	269	316	394	443	JEWELL	252	307	361	453	506
KEARNY	240	291	343	429	482	KINGMAN	234	284	335	418	468
KIOWA	234	284	335	418	468	LABETTE	213	260	306	383	429
LANE	240	291	343	429	482	LINCOLN	252	307	361	453	506
LINN	202	244	288	360	405	LOGAN	204	247	291	365	409
LYON	254	310	365	456	510	MCPHERSON	269	326	385	482	538
MARION	254	310	365	456	510	MARSHALL	254	310	365	456	510
MEADE	240	291	343	429	482	MITCHELL	252	307	361	453	506
MONTGOMERY	213	260	306	383	429	MORRIS	254	310	365	456	510
MORTON	240	291	343	429	482	NEMAH	233	282	333	416	466
NEOSHO	213	260	306	383	429	NESS	240	291	343	429	482
NORTON	204	247	291	365	409	OSAGE	221	269	316	394	443
OSBORNE	204	247	291	365	409	OTTAWA	252	307	361	453	506
PAWNEE	234	284	335	418	468	PHILLIPS	204	247	291	365	409
POTTAWATOMIE	254	310	365	456	510	PRATT	234	284	335	418	468
RAWLINS	204	247	291	365	409	RENO	269	326	385	482	538
REPUBLIC	252	307	361	453	506	RICE	269	326	385	482	538
RILEY	254	310	365	456	510	ROOKS	204	247	291	365	409
RUSH	234	284	335	418	468	RUSSELL	204	247	291	365	409

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

031683

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: KANSAS

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SCOTT									
252	307	361	453	506	240	291	343	429	482
SALINE					204	247	291	365	409
SEWARD	240	343	429	482	204	247	291	365	409
SHERMAN	204	291	365	409	204	247	291	365	409
STAFFORD	234	335	418	468	240	291	343	429	482
STEVENS	240	343	429	482	234	284	335	412	468
TREGO									
204	247	291	365	409	204	247	291	365	409
THOMAS					204	247	291	365	409
WABAUSS	254	310	456	510	204	247	291	365	409
WASHINGTON	252	307	453	506	240	291	343	429	482
WILSON	202	288	360	405	202	244	288	360	405

S T A T E: KENTUCKY

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GINGINNATI, OH-KY-IN PMSA									
COUNTY(IES): BOONE, CAMPBELL, KENTON									
CLARKSVILLE-HOPKINSVILLE, TN-KY MSA									
COUNTY(IES): CHRISTIAN									
EVANSVILLE, IN-KY MSA									
COUNTY(IES): HENDERSON									
HUNTINGTON-ASHLAND, WV-KY-OH MSA									
COUNTY(IES): BOYD, CARTER, GREENUP									
LEXINGTON-FAYETTE, KY MSA									
COUNTY(IES): BOURBON, CLARK, FAYETTE, JESSAMINE, SCOTT, WOODFORD									
LOUISVILLE, KY-IN MSA									
COUNTY(IES): BULLITT, JEFFERSON, OLDHAM, SHELBY									
OWENSBORO, KY MSA									
COUNTY(IES): DAVIESS									
259	329	388	485	540	259	329	388	485	540
267	336	421	511	567	267	336	421	511	567
283	336	394	495	553	283	336	394	495	553
285	347	409	512	575	285	347	409	512	575
299	353	427	535	599	299	353	427	535	599
258	312	366	457	512	258	312	366	457	512
234	284	335	418	469	234	284	335	418	469

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR									
220	268	312	386	432	185	225	265	331	371
ANDERSON	274	335	491	550	225	273	321	402	451
BARREN	234	284	418	471	220	267	314	394	441
BELL	238	291	427	479	267	323	382	477	534
BRACKEN	220	267	394	441	226	274	323	404	453
BRECKINRIDGE									
217	264	309	388	434	185	225	265	331	371
CALDWELL	235	286	423	474	225	273	321	402	451
CARLISLE	225	273	402	451	225	273	321	402	451
CASEY	216	262	386	432	203	246	290	362	406
CLINTON	220	268	386	432	235	286	339	423	474
CUMBERLAND									
220	268	312	386	432	185	225	265	331	371
ELLIOTT	203	246	363	407	267	323	382	477	534
FLEMING	220	267	394	441	239	292	343	429	481

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E : KENTUCKY

031688

NONMETROPOLITAN COUNTIES

	O	1	2	3	4		O	1	2	3	4
	BEDROOMS	BEDROOM	BEDROOMS	BEDROOMS	BEDROOMS		BEDROOMS	BEDROOM	BEDROOMS	BEDROOMS	BEDROOMS
FRANKLIN	274	335	393	491	550	FULTON	225	273	321	402	451
GALLATIN	226	275	323	405	453	GARRARD	225	323	382	477	534
GRANT	226	275	323	405	453	GRAVES	225	273	321	402	451
GRAYSON	217	264	309	388	434	GREEN	220	268	312	386	432
HANCOCK	228	277	327	409	457	HARDIN	245	299	351	439	492
HARLAN	238	291	342	427	479	HARRISON	199	241	284	356	400
HART	185	225	265	331	371	HENRY	202	245	288	361	404
HICKMAN	225	273	321	402	451	HOPKINS	235	286	339	423	474
JACKSON	203	246	290	362	406	JOHNSON	239	292	343	429	481
KNOTT	226	274	323	404	453	KNOX	209	255	299	389	448
LARUE	217	264	309	388	434	LAUREL	203	283	356	425	476
LAWRENCE	203	246	291	363	407	LEE	226	274	323	404	453
LESLIE	226	274	323	404	453	LETCHER	226	274	323	404	453
LEWIS	220	267	314	394	441	LINCOLN	267	323	382	477	534
LIVINGSTON	204	247	292	364	408	LOGAN	236	288	340	425	476
LYON	204	247	292	364	408	MCCRACKEN	235	276	326	402	451
MCCRACKEN	220	268	312	386	432	MCLEAN	228	277	327	409	457
MADISON	267	323	385	477	534	MAGOFFIN	239	292	343	429	481
MARTIN	217	264	309	388	434	MARSHALL	235	276	326	402	451
MARTIN	239	292	343	429	481	MASON	220	267	314	394	441
MEADE	245	299	351	439	492	MENIFFE	220	268	314	394	441
MERCER	274	335	393	491	550	METCALFE	185	225	265	331	371
MONROE	185	225	265	331	371	MONTGOMERY	220	267	314	394	441
MORGAN	220	268	314	394	441	MUHLENBERG	235	286	339	423	474
NELSON	217	264	309	388	434	NICHOLAS	199	241	284	356	400
OHIO	228	277	327	409	457	OWEN	226	275	323	405	453
OWSLEY	226	274	323	404	453	PENDLETON	226	275	323	405	453
PERRY	226	274	323	404	453	PIKE	239	292	343	429	481
POWELL	199	241	284	356	400	PULASKI	220	268	312	386	432
ROBERTSON	220	267	314	394	441	ROCKCASTLE	203	246	290	362	406
ROWAN	220	267	314	394	441	RUSSELL	216	262	308	386	432
SIMPSON	236	288	340	425	476	SPENCER	202	245	288	361	404
TAYLOR	220	268	312	386	432	TODD	204	247	292	364	408
TRIGG	204	247	292	364	408	TRIMBLE	202	245	288	361	404
UNION	228	277	327	409	457	WARREN	236	288	340	425	476
WASHINGTON	217	264	309	388	434	WAYNE	220	268	312	386	432
WEBSTER	228	277	327	409	457	WHITLEY	238	291	342	427	479
WOLFE	226	274	323	404	453						

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

STATE LOUISIANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDRIA, LA MSA.....	252	306	361	451	504
COUNTY(IES): RAPIDES.....					
BATON ROUGE, LA MSA.....	317	384	452	565	633
COUNTY(IES): ASCENSION, E BATON ROUGE, LIVINGSTON, W BATON ROUGE.....					
HOUMA-THIBODAUX, LA MSA.....	280	340	400	500	561
COUNTY(IES): LAFOURCHE, TERREBONNE.....					
LAFAYETTE, LA MSA.....	317	384	452	565	633
COUNTY(IES): LAFAYETTE, ST MARTIN.....					
LAKE CHARLES, LA MSA.....	255	307	359	447	500
COUNTY(IES): CALCASIEU.....					
MONROE, LA MSA.....	251	305	359	449	502
COUNTY(IES): OUACHITA.....					
NEW ORLEANS, LA MSA.....	348	424	499	623	698
COUNTY(IES): JEFFERSON, ORLEANS, ST BERNARD, ST CHARLES, ST JOHN THE BAPTIST.....					
SHREVEPORT, LA MSA.....	285	346	409	511	572
COUNTY(IES): BOSSIER, CADDO.....					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ACADIA.....	173	211	249	307	348
ASSUMPTION.....	173	211	249	307	348
BEAUREGARD.....	214	273	321	384	430
CALDWELL.....	173	211	249	307	348
CATAHOULA.....	223	273	321	384	430
CONCORDIA.....	223	273	321	384	430
EAST CARROLL.....	180	218	256	309	345
EVANGELINE.....	172	210	247	299	345
GRANT.....	214	273	321	384	430
IBERVILLE.....	180	218	256	309	345
JEFFERSON DA.....	173	211	249	307	348
LINCOLN.....	223	273	321	384	430
MOREHOUSE.....	172	210	247	299	345
PLAQUEMINES.....	315	381	449	552	628
RED RIVER.....	223	273	321	384	430
SABINE.....	223	273	321	384	430
ST JAMES.....	188	228	267	335	376
ST MARY.....	256	313	367	459	514
TENSAS.....	172	210	247	299	345
VERMILION.....	217	264	311	388	435
WASHINGTON.....	203	247	290	363	407
WEST CARROLL.....	172	210	247	309	345
WINN.....	214	260	307	384	430
ALLEN.....	173	211	249	307	348
AVOUELLES.....	214	273	321	384	430
BIENVILLE.....	223	273	321	384	430
CAMERON.....	173	211	249	307	348
CLAIBORNE.....	223	273	321	384	430
DE SOTO.....	223	273	321	384	430
E FELICIANA.....	180	218	256	309	345
FRANKLIN.....	172	210	247	299	345
IBERIA.....	256	313	367	459	514
JACKSON.....	172	210	247	299	345
LA SALLE.....	214	260	307	384	430
MADISON.....	172	210	247	299	345
NATCHITOCHES.....	223	273	321	384	430
POINTE COUPE.....	180	218	256	309	345
RICHLAND.....	172	210	247	299	345
ST HELENA.....	180	218	256	309	345
ST LANDRY.....	208	252	296	372	416
TANGIPAHOA.....	203	247	290	363	407
UNION.....	172	210	247	299	345
VERNON.....	214	260	307	384	430
WEBSTER.....	194	236	278	347	389
W FELICIANA.....	180	218	256	322	361

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E - M A I N E

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BANGOR, ME MSA.....	313	381	447	560	628
COUNTY: PENOBSCOT TOWNS OF BANGOR, BREWER, EDINGTON, GLENBURN HAMPDEN, HERMON, HOLDEN, KENDUSKEAG, OLD TOWN, ORONO ORRINGTON, PENOBSCOT IN, VEAZIE					
COUNTY: WALDO TOWNS OF WINTERPORT					
LEWISTON-AUBURN, ME MSA.....	329	392	443	495	563
COUNTY: ANDROSCOGGIN TOWNS OF AUBURN, GREENE, LEWISTON, LISEON MECHANIC FAL, POLAND, SABATTUS					
PORTLAND, ME MSA.....	384	489	618	693	833
COUNTY: CUMBERLAND TOWNS OF CAPE ELIZABETH, CUMBERLAND, FALMOUTH FREEPORT, GORHAM, GRAY, NORTH YARMOUTH, PORTLAND RAYMOND, SCARBOROUGH, SOUTH PORTLA, STANDISH WESTBROOK, WINDHAM, YARMOUTH					
COUNTY: YORK TOWNS OF BUXTON, HOLLIS, OLD ORCHARD					
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA.....	413	503	590	738	827
COUNTY: YORK TOWNS OF BERWICK, ELIOT, KITTERY, NORTH BERWICK SOUTH BERWICK, WELLS, YORK					
NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES					
ANDROSCOGGIN COUNTY TOWNS OF DURHAM, LEEDS, LIVERMORE, FA MINOT, TURNER, WALES	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AROOSTOOK COUNTY	286	338	399	489	540
CUMBERLAND COUNTY TOWNS OF BALDWIN, BRIDGTON, BRUNSWICK, CASCO HARPSWELL, HARRISON, NAPLES, NEW GLOUCEST, POWNAL, SEBAGO	291	353	417	520	583
FRANKLIN COUNTY	322	391	460	572	636
HANCOCK COUNTY	303	343	408	483	548
KENNEBEC COUNTY	305	363	425	531	592
KNOX COUNTY	303	371	437	548	612
LINCOLN COUNTY	295	359	422	529	592
OXFORD COUNTY	291	352	416	520	582
PENOBSCOT COUNTY TOWNS OF ALTON, ARGYLE, BRADFORD, BRADLEY, BURLINGTON CARMEL, CARROLL, CHARLESTON, CHESTER, CLIFTON, CORINNA, CORINTH DEXTER, DIXMONT, DREW, EAST MILLINO, EDINBURG, ENFIELD, ETNA EXETER, GARLAND, GRAND FALLS, GREENBUSH, GREENFIELD, HOWLAND HUDSON, KINGMAN, LAGRANGE, LAKEVILLE, LEE, LEVANT, LINCOLN LOWELL, MATTAWAMKEAG, MAXFIELD, MEDWAY, MILFORD, MILLINOCKET MOUNT CHASE, NEWBURGH, NEWPORT, NORTH PENOBIS, PASSADUMKEAG PATTEN, PLYMOUTH, PRENTISS, SEBOEIS, SPRINGFIELD, STACYVILLE STETSON, SUMMIT, TWOMBLY, WEBSTER, WHITNEY, WINN, WOODVILLE	303	343	408	483	548
PISCATAQUIS COUNTY	300	363	422	529	592
SAGADAHOE COUNTY					
SOMERSET COUNTY	251	305	360	452	505
WALDO COUNTY TOWNS OF BELFAST, BELMONT, BROOKS, BURNHAM, FRANKFORT FREEDOM, ISLESBORO, JACKSON, KNOX, LIBERTY, LINCOLNVILLE MONROE, MONTVILLE, MORRILL, NORTHPORT, PALERMO, PROSPECT SEARSMONT, SEARSPORT, STOCKTON SPR, SWANVILLE, THORNDIKE, TROY UNITY, WALDO	333	448	483	563	660
WASHINGTON COUNTY	291	352	416	520	582
	295	359	422	529	592
	295	359	422	529	592

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : MAINE

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

YORK COUNTY TOWNS OF ACTON, ALFRED, ARUNDEL, BIDEFORD, CORNISH, DAYTON
KENNEBUNK, KENNEBUNKPOR, LEBANON, LIMERICK, LIMINGTON, LYMAN
NEWFIELD, PARSONSFIELD, SAGO, SANFORD, SHAPLEIGH, WATERBORO

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
368 434 548 563 693

S T A T E : MARYLAND

BALTIMORE, MD MSA
COUNTY(IES): ANNE ARUNDEL, BALTIMORE, CARROLL, HARFORD, HOWARD
QUEEN ANNES, BALTIMORE

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
355 432 508 635 712

COLUMBIA, MD
COUNTY(IES): COLUMBIA

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
451 548 645 805 903

CUMBERLAND, MD-WV MSA
COUNTY(IES): ALLEGANY

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
262 312 365 451 504

HAGERSTOWN, MD MSA
COUNTY(IES): WASHINGTON

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
293 356 420 525 587

WASHINGTON, DC-MD-VA MSA

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
470 570 671 838 939

COUNTY(IES): CALVERT, CHARLES, FREDERICK, MONTGOMERY, PRINCE GEORG
WILMINGTON, DE-NJ-MD PMSA
COUNTY(IES): CECIL

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
380 455 541 676 804

NONMETROPOLITAN COUNTIES

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
CAROLINE 277 322 391 490 549 DORCHESTER
GARRETT 263 320 377 470 527 KENT
ST MARYS 365 441 515 645 714 SOMERSET
TALBOT 317 385 453 567 634 WICOMICO
WORCESTER 286 349 407 509 570

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
284 345 407 509 570
289 352 414 519 580
284 345 407 509 570
338 413 484 510 570

S T A T E : MASSACHUSETTS

BOSTON, MA PMSA
COUNTY: BRISTOL TOWNS OF MANSFIELD, NORTON, RAYNHAM
COUNTY: ESSEX TOWNS OF LYNN, LYNNFIELD, NAHANT, SAUGUS
COUNTY: MIDDLESEX TOWNS OF ACTON, ARLINGTON, ASHLAND, AYER, BEDFORD
BELMONT, BOXBOROUGH, BURLINGTON, CAMBRIDGE, CARLISLE
CONCORD, EVERETT, FRAMINGHAM, GROTON, HOLLISTON
HOPKINTON, HUDSON, LEXINGTON, LINCOLN, LITTLETON
MALDEN, MARLBOROUGH, MAYNARD, MEDFORD, MELROSE
NATICK, NEWTON, NORTH READING, READING, SHERBORN
SHIRLEY, SOMERVILLE, STONEHAM, STOW, SUDBURY
TOWNSEND, WAKEFIELD, WALTHAM, WATERTOWN, WAYLAND
WESTON, WILMINGTON, WINCHESTER, WOBURN
TOWNS OF BELLINGHAM, BRAINTREE, BROOKLINE, CANTON
COHASSET, DEDHAM, DOVER, FOXBOROUGH, FRANKLIN
HOLBROOK, MEDFIELD, MEDWAY, MILLIS, MILTON, NEEDHAM

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
560 681 803 1002 1123

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : MASSACHUSETTS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NORFOLK, NORWOOD, QUINCY, RANDOLPH, SHARON STOUGHTON, WALPOLE, WELLESLEY, WESTWOOD, WEYMOUTH WRENTHAM					
COUNTY: PLYMOUTH TOWNS OF CARVER, DUXBURY, HANOVER, HANSON, HINGHAM HULL, KINGSTON, LAKEVILLE, MARSHFIELD, MIDDLEBOROUGH NORWELL, PEMBROKE, PLYMOUTH, PLYMPTON, ROCKLAND SCITUATE					
COUNTY: SUFFOLK TOWNS OF BOSTON, CHELSEA, REVERE, WINTHROP COUNTY: WORCESTER TOWNS OF BERLIN, BOLTON, HARVARD, HOPEDALE LANCASTER, MENDON, MILFORD, SOUTHBOROUGH, UPTON					
BROCKTON, MA PMSA.....	418	505	633	768	861
COUNTY: BRISTOL TOWNS OF EASTON COUNTY: NORFOLK TOWNS OF AVON					
COUNTY: PLYMOUTH TOWNS OF ABINGTON, BRIDGEWATER, BROCKTON EAST BRIDGE, HALIFAX, WEST BRIDGE, WHITMAN					
FALL RIVER, MA-RI PMSA.....	366	436	524	607	670
COUNTY: BRISTOL TOWNS OF FALL RIVER, SOMERSET, SWANSEA, WESTPORT					
FITCHBURG-LEOMINSTER, MA MSA.....	401	485	572	715	802
COUNTY: MIDDLESEX TOWNS OF ASHBY COUNTY: WORCESTER TOWNS OF ASHBURNHAM, FITCHBURG, LEOMINSTER LUNENBURG, WESTMINSTER					
LAWRENCE-HAVERHILL, MA-NH PMSA.....	447	544	652	745	829
COUNTY: ESSEX TOWNS OF AMESBURY, ANDOVER, BOXFORD, GEORGETOWN GROVELAND, HAVERHILL, LAWRENCE, MERRIMAC, METHUEN NEWBURY, NEWBURYPORT, NORTH ANDOVER, SALISBURY WEST NEWBURY					
LOWELL, MA-NH PMSA.....	430	523	610	739	843
COUNTY: MIDDLESEX TOWNS OF BILLERICA, CHELMSFORD, DRACUT, DUNSTABLE LOWELL, PEPPERELL, TEWKSBURY, TYNGSBOROUGH, WESTFORD					
NEW BEDFORD, MA MSA.....	373	419	496	607	670
COUNTY: BRISTOL TOWNS OF ACUSHNET, DARTMOUTH, FAIRHAVEN, FREETOWN NEW BEDFORD					
COUNTY: PLYMOUTH TOWNS OF MARION, MATTAPOISETT, ROCHESTER PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA.....	355	430	506	621	709
COUNTY: BRISTOL TOWNS OF ATTLEBORO, NORTH ATTLE, REHOBOTH, SEEKONK COUNTY: NORFOLK TOWNS OF PLAINVILLE					
COUNTY: WORCESTER TOWNS OF BLACKSTONE, MILLVILLE					
PITTSFIELD, MA MSA.....	370	449	525	653	736
COUNTY: BERKSHIRE TOWNS OF CHESHIRE, DALTON, HINSDALE, LANESBOROUGH LEE, LENOX, PITTSFIELD, RICHMOND, STOCKBRIDGE					
SALEM-GLOUCESTER, MA PMSA.....	499	605	713	890	997
COUNTY: ESSEX TOWNS OF BEVERLY, DANVERS, ESSEX, GLOUCESTER, HAMILTON IPSWICH, MANCHESTER, MARBLEHEAD, MIDDLETON, PEABODY ROCKPORT, ROWLEY, SALEM, SWAMPSCOTT, TOPSFIELD WENHAM					
SPRINGFIELD, MA MSA.....	379	460	537	670	752
COUNTY: HAMPDEN TOWNS OF AGAWAM, CHICOPEE, EAST LONGMEAD, HAMPDEN HOLYOKE, LONGMEADOW, LUDLOW, MONSON, MONTGOMERY					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

STATE MASSACHUSETTS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PALMER, RUSSELL, SOUTHWICK, SPRINGFIELD, WESTFIELD WEST SPRING, WILBRAHAM					
COUNTY HAMPSHIRE TOWNS OF BELCHERTOWN, EASTHAMPTON, GRANBY HUNTINGTON, NORTHAMPTON, SOUTHAMPTON, SOUTH HADLEY					
WORCESTER, MA MSA.....	384	472	553	694	775
COUNTY WORCESTER TOWNS OF AUBURN, PARRE, BOYLSTON, BROOKFIELD CHARLTON, CLINTON, DOUGLAS, DUDLEY, EAST BROOKFI GRAFTON, HOLDEN, LEICESTER, MILLBURY, NORTHBOROUGH NORTHBRIDGE, NORTH BROOK, OXFORD, PAXTON, PRINCETON RUTLAND, SHREWSBURY, SPENCER, STERLING, SUTTON UXBRIDGE, WEBSTER, WESTBOROUGH, WEST BOYLSTO WORCESTER					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARNSTABLE COUNTY					
BERKSHIRE COUNTY					
FLORIDA, GREAT BARRIN, HANCOCK, MONTEREY, MOUNT WASHIN					
NEW ASHFORD, NEW MARLBORO, NORTH ADAMS, OTIS, PERU, SANDISFIELD					
SAVOY, SHEFFIELD, TYRINGHAM, WASHINGTON, WEST STOCKBR					
WILLIAMSTOWN, WINDSOR					
BRISTOL COUNTY					
TOWNS OF BERKLEY, DIGHTON, TAUNTON					
DUKES COUNTY					
FRANKLIN COUNTY					
HAMPDEN COUNTY					
TOWNS OF BLANDFORD, BRIMFIELD, CHESTER, GRANVILLE					
HOLLAND, TOLLAND, WALES					
HAMPSHIRE COUNTY					
TOWNS OF AMHERST, CHESTERFIELD, CUMMINGTON, GOSHEN					
HADLEY, HATFIELD, MIDDLEFIELD, PELHAM, PLAINFIELD, WARE					
WESTHAMPTON, WILLIAMSBURG, WORTHINGTON					
NANTUCKET COUNTY					
TOWNS OF WAREHAM					
PLYMOUTH COUNTY					
TOWNS OF ATHOL, GARDNER, HARDWICK, HUEBARDSTON					
WORCESTER COUNTY					
NEW BRAINTRE, OAKHAM, PETERSHAM, PHILLIPSTON, ROYALSTON					
SOUTHBIDGE, STURBRIDGE, TEMPLETON, WARREN, WEST BROOKFI					
WINCHENDON					

S T A T E M I C H I G A N		O B E D R O O M S				
-----		0	1	2	3	4
ANN ARBOR, MI	PMSA.....	394	479	565	706	791
COUNTY(IES) WASHTENAW						
BATTLE CREEK, MI	MSA.....					
COUNTY(IES) CALHOUN		265	322	378	475	532
BENTON HARBOR, MI	MSA.....					
COUNTY(IES) BERRIEN		295	359	420	526	589
DETROIT, MI	PMSA.....	367	441	514	642	715
COUNTY(IES) LAPEER, LIVINGSTON, MACOMB, MONROE, OAKLAND, ST CLAIR						
WAYNE						

NOTE. THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

STATE MICHIGAN

O31688

	O	BEDROOMS	1	BEDROOM	2	BEDROOMS	3	BEDROOMS	4	BEDROOMS
FLINT, MI MSA.....	279	339	401	501	560					
COUNTY(IES) GENESEE										
GRAND RAPIDS, MI MSA.....	313	384	450	562	635					
COUNTY(IES) KENT, OTTAWA										
JACKSON, MI MSA.....	292	353	416	520	583					
COUNTY(IES) JACKSON										
KALAMAZOO, MI MSA.....	304	366	430	529	589					
COUNTY(IES) KALAMAZOO										
LANSING-EAST LANSING, MI MSA.....	319	382	448	556	621					
COUNTY(IES) CLINTON, EATON, INGHAM										
MUSKEGON, MI MSA.....	259	314	371	464	519					
COUNTY(IES) MUSKEGON										
SAGINAW-BAY CITY-MIDLAND, MI MSA.....	288	347	408	511	572					
COUNTY(IES) BAY, MIDLAND, SAGINAW										

NONMETROPOLITAN COUNTIES

	O	BEDROOMS	1	BEDROOM	2	BEDROOMS	3	BEDROOMS	4	BEDROOMS
ALCONA	231	282	332	415	465					
ALLEGAN	268	327	383	480	538					
ANTRIM	290	350	413	517	579					
BARAGA	237	287	338	423	475					
BENZIE	290	350	413	517	579					
CASS	263	319	375	470	526					
CHEBOYGAN	231	282	332	415	465					
CLARE	254	309	365	455	510					
DELTA	228	277	328	409	458					
EMMET	290	350	413	517	579					
GOGEBIC	237	287	338	423	475					
GRATIOT	291	352	414	519	581					
HOUGHTON	237	287	338	423	475					
IONIA	271	328	385	481	538					
IRON	237	287	338	423	475					
KALKASKA	290	350	413	517	579					
LAKE	266	324	380	476	534					
LENAWEE	288	348	411	515	577					
MACKINAC	228	277	328	409	458					
MARQUETTE	290	350	413	517	579					
MECOSTA	266	324	380	476	534					
MISSAUKEE	290	350	413	517	579					
MONTMORENCY	231	282	332	415	465					
OCEANA	258	312	369	462	517					
ONTONAGON	237	287	338	423	475					
OSCODA	231	282	332	415	465					
OTSEW	231	282	332	415	465					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

031688

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: MICHIGAN

NONMETROPOLITAN COUNTIES

O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PRESQUE ISLE	231	282	332	415	465	ROSCOMMON	254	309	365	455	510
ST JOSEPH	270	329	387	484	542	SANILAC	261	317	372	466	522
SCHOOLCRAFT	228	277	328	409	458	SHIAWASSEE	287	347	410	512	575
TUSCOLA	261	317	372	466	522	VAN BUREN	263	319	375	470	526
WEXFORD	290	350	413	517	579						

S T A T E: MINNESOTA

O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DULUTH, MN-WI	MSA	282	332	415	465		296	352	415	520	583
FARGO-MOORHEAD, ND-MN	MSA	282	332	415	465		296	360	423	531	595
MINNEAPOLIS-ST. PAUL, MN-WI	MSA	282	332	415	465		367	445	528	660	737
ROCHESTER, MN	MSA	282	332	415	465		313	380	448	560	627
ST. CLOUD, MN	MSA	282	332	415	465		299	363	427	535	598

NONMETROPOLITAN COUNTIES

O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AITKIN	268	327	384	481	539	BECKER	267	326	382	479	537
BELTRAMI	258	313	368	460	517	BIG STONE	238	291	342	429	479
BLUE EARTH	299	362	419	518	573	BROWN	254	309	364	455	509
CARLTON	270	329	384	481	539	CASS	252	305	361	451	505
CHIPPEWA	238	291	342	429	479	CLEARWATER	258	313	368	460	517
COOK	268	327	384	481	539	COTTONWOOD	238	291	342	429	479
CROW WING	252	305	362	473	526	DODGE	242	294	345	432	484
DOUGLAS	267	326	382	479	537	FARIBAULT	254	309	364	455	509
FILLMORE	247	300	355	443	495	FREEBORN	232	285	338	422	475
GOODHUE	258	313	366	455	509	GRANT	267	326	382	479	537
HOUSTON	247	300	355	443	495	HUBBARD	258	313	368	460	517
ITASCA	270	329	384	481	539	JACKSON	246	297	347	432	480
KANABEC	268	327	384	481	539	KANDIYOHI	281	342	402	504	563
KITSON	258	313	368	460	517	KOOCHICHING	268	327	384	481	539
LAC QUI PARL	238	291	342	429	479	LAKE	268	327	384	481	539
LAKE OF WOOD	258	313	368	460	517	LE SUEUR	279	340	399	499	559
LINCOLN	246	297	347	432	480	LYON	246	297	347	432	480
MCLEOD	281	342	402	504	563	MAHOMEN	258	313	368	460	517
MARSHALL	258	313	368	460	517	MARTIN	254	309	364	455	509
MEeker	281	342	402	504	563	MILLE LACS	268	327	384	481	539

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E MINNESOTA

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	MOWER	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MORRISON	252	305	361	451	505	247	300	355	443	495
MURRAY	246	297	347	432	480	279	340	399	499	559
NOBLES	246	297	347	432	480	258	313	368	460	517
OTTER TAIL	267	326	382	479	537	258	313	368	460	517
PINE	268	327	384	481	539	246	297	347	432	480
POLK	258	313	368	460	517	267	326	382	479	537
RED LAKE	258	313	368	460	517	238	291	342	429	479
RENVILLE	281	342	402	504	563	292	355	418	522	585
ROCK	246	297	347	432	480	258	313	368	460	517
SIBLEY	279	340	399	499	559	292	355	418	522	585
STEVENS	267	326	382	479	537	238	291	342	429	479
TODD	252	305	361	451	505	267	326	382	479	537
WABASHA	258	313	366	455	509	252	305	361	451	505
WASECA	254	309	364	455	509	254	309	364	455	509
WILKIN	267	326	382	479	537	249	300	355	443	495
YELLOW MEDIC	238	291	342	429	479					

S T A T E MISSISSIPPI

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	MOWER	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILOXI-GULFPORT, MS	219	254	299	396	429	249	304	358	448	501
COUNTY(IES): HANCOCK, HARRISON										
JACKSON, MS	219	254	299	396	429	317	385	454	568	637
COUNTY(IES): HINDS, MADISON, RANKIN										
MEMPHIS, TN-AR-MS	239	291	343	432	481	285	345	405	505	565
COUNTY(IES): DE SOTO										
PASCAGOULA, MS	246	291	343	432	481	273	330	388	488	547
COUNTY(IES): JACKSON										

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	ALCORN	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	219	254	299	396	429	218	264	311	388	436
AMITE	182	221	260	325	365	183	223	261	327	367
BENTON	204	248	293	367	411	211	256	302	377	422
CALHOUN	239	291	343	428	484	183	223	261	327	367
CHICKASAW	246	291	343	432	481	236	275	322	404	453
CLAIBORNE	182	221	260	325	365	237	288	335	421	471
CLAY	236	275	322	404	453	221	267	314	392	442
COPIAH	192	234	276	345	386	185	225	265	331	371
FORREST	237	289	340	424	476	182	221	260	325	365
GEORGE	185	225	265	331	371	185	225	265	331	371
GRENADA	183	223	261	327	367	183	223	261	327	367

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: MISSISSIPPI

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HUMPHREYS	211	256	302	377	422	ISSAQUENA	211	256	302	377
ITAWAMBA	225	273	321	402	450	JASPER	237	288	336	421
JEFFERSON	182	221	260	325	365	JEFFERSON DA	185	225	265	331
JONES	239	278	313	356	396	KEMPER	237	288	336	421
LAFAYETTE	239	291	343	428	481	LAMAR	237	289	340	424
LAUDERDALE	235	285	336	421	471	LAWRENCE	182	221	260	325
LEAKE	201	245	290	363	407	LEE	238	291	341	426
LEFLORE	239	265	312	407	438	LINCOLN	182	221	260	325
LOWNDES	260	322	370	495	516	MARION	237	289	340	424
MARSHALL	204	248	293	367	411	MONROE	225	273	321	402
MONTGOMERY	183	223	261	327	367	NESHOBA	201	245	290	363
NEWTON	201	245	290	363	407	NOXUBEE	226	275	322	404
OKTIBBEHA	226	275	322	404	453	PANOLA	221	267	314	392
PEARL RIVER	237	289	340	424	476	PERRY	185	225	265	331
PIKE	219	254	299	396	429	PONTOTOC	246	291	343	432
PRENTISS	204	248	293	367	411	QUITMAN	221	267	314	392
SCOTT	201	245	290	363	407	SHARKEY	211	256	302	377
SIMPSON	192	234	276	345	386	SMITH	201	245	290	363
STONE	237	289	340	424	476	SUNFLOWER	201	256	302	377
TALLAHATCHIE	221	267	314	392	442	TATE	221	267	314	392
TIPPAH	204	248	293	367	411	TISHOMIGO	204	248	293	367
TUNICA	221	267	314	392	442	UNION	246	291	343	432
WALTHALL	182	221	260	325	365	WARREN	267	325	382	479
WASHINGTON	211	256	302	377	422	WAYNE	185	225	265	331
WEBSTER	236	275	322	404	453	WILKINSON	182	221	260	325
WINSTON	236	275	322	404	453	YALOBUSHA	183	223	261	327
YAZOO	267	325	382	479	536					

S T A T E: MISSOURI

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, MO MSA	289	351	415	519	582					
COUNTY(IES): BOONE										
JOPLIN, MO MSA	223	272	320	401	449					
COUNTY(IES): JASPER, NEWTON										
KANSAS CITY, MO-KS MSA	303	368	433	541	605					
COUNTY(IES): CASS, CLAY, JACKSON, LAFAYETTE, PLATTE, RA										
ST. JOSEPH, MO MSA	238	288	340	424	477					
COUNTY(IES): BUCHANAN										
ST. LOUIS, MO-IL MSA	310	378	445	559	626					
COUNTY(IES): FRANKLIN, JEFFERSON, ST. CHARLES, ST. LOUIS, ST. LOUIS										

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031628

STATE: MISSOURI

SPRINGFIELD, MO MSA.....
 COUNTY(IES): CHRISTIAN, GREENE

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	226	274	323	406	454	ANDREW	238	288	340	424
ATCHISON	214	261	307	384	430	AUDRAIN	251	305	359	450
BARRY	209	253	300	375	419	BARTON	204	247	291	364
BATES	204	247	291	364	409	BENTON	204	247	291	364
BOLLINGER	240	292	343	428	482	BUTLER	198	241	286	357
CALDWELL	214	261	308	384	430	CALLAWAY	251	305	359	450
CAMDEN	229	278	326	409	458	CAPE GIRARDE	240	292	343	428
CARROLL	220	268	316	393	443	CARTER	198	241	286	357
CEDAR	204	247	291	364	409	CHARITON	220	268	316	393
CLARK	226	274	323	406	454	CLINTON	214	261	307	384
COLE	251	305	359	450	503	COOPER	251	305	359	450
CRAWFORD	219	267	313	392	441	DADE	209	253	300	375
DALLAS	209	253	300	375	419	DAVISS	214	261	308	384
DE KALB	214	261	307	384	430	DENT	219	267	313	392
DOUGLAS	198	241	283	353	396	DUNKLIN	198	241	283	353
GASCONADE	219	267	313	392	441	ENTRY	214	261	307	384
GRUNDY	226	274	323	406	454	HARRISON	214	261	308	384
HENRY	204	247	291	364	409	HICKORY	204	247	291	364
HOLT	214	261	307	384	430	HOWARD	251	305	359	450
HOWELL	198	241	283	353	396	IRON	240	292	343	428
JOHNSON	229	279	328	411	459	KNOX	226	274	323	406
LACLEDE	229	278	326	409	458	LAWRENCE	209	253	300	375
LEWIS	224	271	320	399	444	LINCOLN	219	267	313	392
LINN	226	274	323	406	454	LIVINGSTON	226	274	323	406
MCDONALD	209	253	300	375	419	MACON	219	267	313	392
MADISON	240	292	343	428	482	MARIES	219	267	313	392
MARION	224	271	320	399	444	MERCER	214	261	308	430
MILLER	229	278	326	409	458	MISSISSIPPI	198	241	283	353
MONITEAU	251	305	359	450	503	MONROE	219	267	313	392
MONTGOMERY	219	267	313	392	441	MORGAN	229	278	326	409
NEW MADRID	198	241	283	353	396	NODAWAY	222	261	316	384
OREGON	198	241	283	353	396	OSAGE	251	305	359	450
OSARK	198	241	283	353	396	PENISCOOT	198	241	283	353
PERRY	240	292	343	428	482	PETTIS	220	268	316	393
PHELPS	255	309	364	461	517	PIKE	219	267	313	392
POLK	209	253	300	375	419	PULASKI	229	278	326	409
										458

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: MISSOURI

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PUTNAM	226	274	323	406	454	RALLS	224	271	320	399
RANDOLPH	219	267	313	392	441	REYNOLDS	198	241	283	353
RIPLEY	198	241	286	357	399	ST CLAIR	204	247	291	364
STE GENEVIEV	240	292	343	428	482	ST FRANCOIS	240	292	343	409
SALINE	220	268	316	393	443	SCHUYLER	226	274	323	406
SCOTLAND	226	274	323	406	454	SCOTT	240	292	343	428
SHANNON	198	241	283	353	396	SHELBY	219	267	313	392
STODDARD	198	241	283	353	396	STONE	209	253	300	375
SULLIVAN	226	274	323	406	454	TANEY	209	253	300	375
TEXAS	198	241	283	353	396	VERNON	204	247	291	364
WARREN	219	267	313	392	441	WASHINGTON	219	267	313	392
WAYNE	198	241	286	357	399	WEBSTER	209	253	300	375
WORTH	214	261	307	384	430	WRIGHT	198	241	283	353

S T A T E: MONTANA

BILLINGS, MT MSA.....	343	418	492	614	688
COUNTY(IES): YELLOWSTONE					
GREAT FALLS, MT MSA.....	296	359	424	530	593
COUNTY(IES): CASCADE					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVERHEAD	295	358	422	527	591	BIG HORN	277	337	397	497
BLAINE	275	334	393	492	551	BROADWATER	295	358	422	527
CARBON	277	337	397	497	557	CARTER	277	337	397	497
CHOUTEAU	275	334	393	492	551	CUSTER	277	337	397	497
DANIELS	275	334	393	492	551	DAWSON	277	337	397	497
DEER LODGE	295	358	422	527	591	FALLON	277	337	397	497
FERGUS	277	337	397	497	557	FLATHEAD	301	366	430	539
GALLATIN	325	399	472	585	658	GARFIELD	277	337	397	497
GLACIER	275	334	393	492	551	GOLDEN VALLE	277	337	397	497
GRANITE	295	358	422	527	591	HILL	275	334	393	492
JEFFERSON	295	358	422	527	591	JUDITH BASIN	277	337	397	497
LAKE	301	366	430	539	604	LEWIS+ CLARK	337	416	490	607
LIBERTY	275	334	393	492	551	LINCOLN	301	366	430	539
MCCONE	277	337	397	497	557	MADISON	295	358	422	527
MEAGHER	295	358	422	527	591	MINERAL	301	366	430	539
MISSOULA	301	366	430	539	604	MUSSELSHELL	277	337	397	497
PARK	295	358	422	527	591	PETROLEUM	277	337	397	497

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: MONTANA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILLIPS	275	334	393	492	551	PONDERA		275	334	393	492
POWDER RIVER	277	337	397	497	557	POWELL		295	358	422	527
PRAIRIE	277	337	397	497	557	RAVALLI		301	366	430	539
RICHLAND	277	337	397	497	557	ROOSEVELT		275	334	393	492
ROSEBUD	277	337	397	497	557	SANDERS		301	365	430	539
SHERIDAN	275	334	393	492	551	SILVER BOW		295	358	422	527
STILLWATER	277	337	397	497	557	SWEET GRASS		277	337	397	497
TETON	275	334	393	492	551	TOOLE		275	334	393	492
TREASURE	277	337	397	497	557	VALLEY		275	334	393	492
WHEATLAND	277	337	397	497	557	WIBAUX		277	337	397	497
YL-ST-NT-PK	295	358	422	527	591						

S T A T E: NEBRASKA

LINCOLN, NE MSA	293	356	419	524	587					
COUNTY(IES): LANCASTER										
OMAHA, NE-IA MSA	288	349	411	515	578					
COUNTY(IES): DOUGLAS, SARPY, WASHINGTON										
STOIX CITY, IA-NE MSA	285	346	408	510	572					
COUNTY(IES): DAKOTA										

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	262	319	375	470	525	ANTELOPE	254	309	365	454	511
ARTHUR	222	270	317	397	444	BANNER	215	261	307	384	432
BLAINE	215	261	307	384	432	BOONE	235	286	336	421	472
BOX BUTTE	244	298	350	438	490	BOYD	215	261	307	384	432
BROWN	215	261	307	384	432	BUFFALO	262	319	375	470	525
BURT	235	286	336	421	472	BUTLER	232	282	332	414	466
CASS	232	282	332	414	466	CEDAR	254	309	365	454	511
CHASE	222	270	317	397	444	CERRY	215	261	307	384	432
CHEYENNE	215	261	307	384	432	CLAY	262	319	375	470	525
COLFAX	235	286	336	421	472	CUMING	235	286	336	421	472
CUSTER	215	261	307	384	432	DAWES	215	261	307	384	432
DAWSON	222	270	317	397	444	DEUEL	215	261	307	384	432
DIXON	254	309	365	454	511	DODGE	235	286	336	421	472
DUNDY	222	270	317	397	444	FILLMORE	232	282	332	414	466
FRANKLIN	262	319	375	470	525	FRONTIER	222	270	317	397	444
FURNAS	222	270	317	397	444	GAGE	257	311	367	459	514
GARDEN	215	261	307	384	432	GARFIELD	215	261	307	384	432

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : NEBRASKA

NONMETROPOLITAN COUNTIES

	O	BEDROOMS	1	BEDROOM	2	BEDROOMS	3	BEDROOMS	4	BEDROOMS
GOSPER	222	270	317	397	444	GRANT	222	270	317	397
GREELEY	215	261	307	384	432	HALL	262	319	375	470
HAMILTON	262	319	375	470	525	HARLAN	262	319	375	470
HAYES	222	270	317	397	444	HITCHCOCK	222	270	317	397
HOLT	219	269	315	393	438	HOOVER	222	270	317	397
HOWARD	262	319	375	470	525	JEFFERSON	232	282	332	414
JOHNSON	232	282	332	414	466	KEARNEY	262	319	375	470
KEITH	222	270	317	397	444	KEYA PAHA	219	269	315	393
KIMBALL	215	261	307	384	432	KNOX	254	309	365	454
LINCOLN	222	270	317	397	444	LOGAN	222	270	317	397
LOUP	215	261	307	384	432	MCPHERSON	222	270	317	397
MADISON	254	309	365	454	511	MERRICK	262	319	375	470
MORRILL	215	261	307	384	432	NANCE	235	286	336	421
NEMAHA	232	282	332	414	466	NUCKOLLS	262	319	375	470
OTOE	232	282	332	414	466	PAWNEE	232	282	332	414
PERKINS	222	270	317	397	444	PHELPS	262	319	375	470
PIERCE	254	309	365	454	511	PLATTE	235	286	336	421
POLK	232	282	332	414	466	RED WILLOW	222	270	317	397
RICHARDSON	232	282	332	414	466	ROCK	219	269	315	393
SALINE	232	282	332	414	466	SAUNDERS	232	282	332	414
SCOTTS BLUFF	250	301	350	435	484	SEWARD	232	282	332	414
SHERIDAN	215	261	307	384	432	SHERMAN	215	261	307	384
STIOUX	215	261	307	384	432	STANTON	254	309	365	454
THAYER	232	282	332	414	466	THOMAS	222	270	317	397
THURSTON	235	286	336	421	472	VALLEY	215	261	307	384
WAYNE	254	309	365	454	511	WEBSTER	262	319	375	470
WHEELER	215	261	307	384	432	YORK	232	282	332	414

S T A T E : NEVADA

LAS VEGAS, NV	MSA	.....	0	BEDROOMS	1	BEDROOM	2	BEDROOMS	3	BEDROOMS	4	BEDROOMS
COUNTY(IES): CLARK			417	506	596	746	836					
RENO, NV	MSA	.....	514	624	736	919	1031					
COUNTY(IES): WASHOE												

NONMETROPOLITAN COUNTIES

	O BEDROOMS		1 BEDROOM		2 BEDROOMS		3 BEDROOMS		4 BEDROOMS	
CHURCHILL	367	441	519	648	727					
ELKO	367	441	519	648	727	DOUGLAS	367	441	519	648
EUREKA	363	441	519	648	727	ESMERALDA	363	441	519	648
						HUMBOLDT	367	441	519	648

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031682

STATE: NEVADA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LANDER	367	441	519	648	727	363	441	519	648	727
LYON	367	441	519	648	727	367	441	519	648	727
NYE	363	441	519	648	727	367	441	519	648	727
STOREY	367	441	519	648	727	363	441	519	648	727
CARSON CITY	367	441	519	648	727					

STATE: NEW HAMPSHIRE

LAWRENCE-HAVERHILL, MA-NH PMSA.....										
COUNTY: ROCKINGHAM TOWNS OF ATKINSON, BRENTWOOD, DANVILLE, DERRY										
EAST KINGSTON, HAMPSHIRE, KINGSTON, NEWTON, PLAISTOW										
SALEM, SANDOWN, SEABROOK, WINDHAM										
LOWELL, MA-NH PMSA.....						430	523	610	739	843
COUNTY: HILLSBOROUGH TOWNS OF PELHAM										
MANCHESTER, NH MSA.....						398	484	569	711	798
COUNTY: HILLSBOROUGH TOWNS OF BEDFORD, GOFFSTOWN, MANCHESTER										
COUNTY: MERRIMACK TOWNS OF ALLENSTOWN, HOOKSETT										
COUNTY: ROCKINGHAM TOWNS OF AUBURN, CANDIA										
NASHUA, NH PMSA.....						449	545	642	804	900
COUNTY: HILLSBOROUGH TOWNS OF AMHERST, BROOKLINE, HOLLIS, HUDSON										
LITCHFIELD, MERRIMACK, MILFORD, MONT VERNON, NASHUA										
WILTON										
COUNTY: ROCKINGHAM TOWNS OF LONDONDERRY						413	503	590	738	827
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA.....										
COUNTY: ROCKINGHAM TOWNS OF EXETER, GREENLAND, HAMPTON, NEW CASTLE										
NEWFIELDS, NEWINGTON, NEWMARKET, NORTH HAMPTON										
PORTSMOUTH, RYE, STRATHAM										
COUNTY: STRAFFORD TOWNS OF BARRINGTON, DOVER, DURHAM, FARMINGTON										
LEE, MADBURY, MILTON, ROCHESTER, ROLLINSFORD										
SOMERSWORTH										

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

BELKNAP COUNTY						346	417	486	602	674
CARROLL COUNTY						342	415	488	610	684
CHESHIRE COUNTY						388	469	554	692	765
COOS COUNTY						319	387	456	569	638
GRAFTON COUNTY						355	433	509	635	712
HILLSBOROUGH COUNTY TOWNS OF ANTRIM, BENNINGTON, DEERING, FRANCESSTOWN						437	531	624	780	863
GREENFIELD, GREENVILLE, HANCOCK, HILLSBOROUGH, LYNDENBOROUGH										
MASON, NEW BOSTON, NEW IPSWICH, PETERBOROUGH, SHARON, TEMPLE										
WEARE, WINDSOR										
MERRIMACK COUNTY TOWNS OF ANDOVER, BOSCAWEN, BOW, BRADFORD, CANTERBURY						426	517	609	763	853
CHICHESTER, CONCORD, DANBURY, DUNBARTON, EPSOM, FRANKLIN										
HENNIKER, HILL, HOPKINTON, LOUDON, NEWBURY, NEW LONDON										
NORTHFIELD, PEMBROKE, PITTSFIELD, SALISBURY, SUTTON, WARNER										

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

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S T A T E : NEW HAMPSHIRE

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

WEBSTER, WILMOT
 ROCKINGHAM COUNTY TOWNS OF CHESTER, DEERFIELD, EPPING, FREMONT
 HAMPTON FALL, KENSINGTON, NORTHWOOD, NOTTINGHAM, RAYMOND
 SOUTH HAMPTO
 STRAFFORD COUNTY TOWNS OF MIDDLETON, NEW DURHAM, STRAFFORD
 SULLIVAN COUNTY

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
437	531	624	780	863
387	472	556	696	768
346	417	487	607	681

S T A T E : NEW JERSEY

ALLENTOWN-BETHLEHEM, PA-NJ MSA
 COUNTY(IES): WARREN
 ATLANTIC CITY, NJ MSA
 COUNTY(IES): ATLANTIC, CAPE MAY
 BERGEN-PASSAIC, NJ PMSA
 COUNTY(IES): BERGEN, PASSAIC
 JERSEY CITY, NJ PMSA
 COUNTY(IES): HUDSON
 MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA
 COUNTY(IES): HUNTERDON, MIDDLESEX, SOMERSET
 MONMOUTH-OCEAN, NJ PMSA
 COUNTY(IES): MONMOUTH, OCEAN
 NEWARK, NJ PMSA
 COUNTY(IES): ESSEX, MORRIS, SUSSEX, UNION
 PHILADELPHIA, PA-NJ PMSA
 COUNTY(IES): BURLINGTON, CAMDEN, GLOUCESTER
 TRENTON, NJ PMSA
 COUNTY(IES): MERCER
 VINELAND-MILLVILLE-BRIDGETON, NJ PMSA
 COUNTY(IES): CUMBERLAND
 WILMINGTON, DE-NJ-MD PMSA
 COUNTY(IES): SALEM

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
317	385	450	567	632
380	463	543	679	762
535	649	770	962	1078
369	449	528	660	739
495	602	708	886	992
446	540	636	795	892
416	505	595	743	832
360	435	511	639	714
454	551	649	811	908
364	442	520	651	729
380	455	541	676	804

S T A T E : NEW MEXICO

ALBUQUERQUE, NM MSA
 COUNTY(IES): BERNALILLO
 LAS CRUCES, NM MSA
 COUNTY(IES): DONA ANA
 SANTA FE, NM MSA
 COUNTY(IES): LOS ALAMOS, SANTE FE

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
345	419	492	616	691
274	332	391	489	548
401	487	575	717	804

NONMETROPOLITAN COUNTIES

CATRON
 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
 247 300 354 442 495 CHAVES

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
269	326	384	480	538

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: NEW MEXICO

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CIBOLA	247	300	354	442	495	COLFAX	255	310	355	457	511
CURRY	255	310	365	457	511	DE BACA	255	310	365	457	511
EDDY	295	359	424	529	592	GRANT	247	300	354	442	495
GUADALUPE	255	310	365	457	511	HARDING	255	310	365	457	511
HIDALGO	247	300	354	442	495	LEA	295	359	424	529	592
LINCOLN	269	326	384	480	538	LUNA	247	300	354	442	495
MCKINLEY	343	416	490	614	687	MORA	255	310	365	457	511
OTERO	269	326	384	480	538	QUAY	255	310	365	457	511
RIO ARRIBA	230	279	328	410	460	ROOSEVELT	255	310	365	457	511
SANDOVAL	290	353	415	519	582	SAN JUAN	343	416	490	614	687
SAN MIGUEL	255	310	365	457	511	SIERRA	269	326	384	480	538
SOCORRO	269	326	384	480	538	TADS	275	333	392	490	550
TORRANCE	255	310	365	457	511	UNION	255	310	365	457	511
VALENCIA	247	300	354	442	495						

S T A T E: NEW YORK

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY-SCHENECTADY-TROY, NY MSA						ALBANY-SCHENECTADY-TROY, NY MSA					
COUNTY(IES): ALBANY, GREENE, MONTGOMERY, RENSSELAER, SARATOGA						COUNTY(IES): ALBANY, GREENE, MONTGOMERY, RENSSELAER, SARATOGA					
SCHENECTADY						SCHENECTADY					
BINGHAMTON, NY MSA						BINGHAMTON, NY MSA					
COUNTY(IES): BROOME, TIoga						COUNTY(IES): BROOME, TIoga					
BUFFALO, NY PMSA						BUFFALO, NY PMSA					
COUNTY(IES): ERIE						COUNTY(IES): ERIE					
ELMIRA, NY MSA						ELMIRA, NY MSA					
COUNTY(IES): CHEMUNG						COUNTY(IES): CHEMUNG					
GLENS FALLS, NY MSA						GLENS FALLS, NY MSA					
COUNTY(IES): WARREN, WASHINGTON						COUNTY(IES): WARREN, WASHINGTON					
NASSAU-SUFFOLK, NY PMSA						NASSAU-SUFFOLK, NY PMSA					
COUNTY(IES): NASSAU, SUFFOLK						COUNTY(IES): NASSAU, SUFFOLK					
NEW YORK, NY PMSA						NEW YORK, NY PMSA					
COUNTY(IES): BRONX, KINGS, NEW YORK, PUTNAM, QUEENS, RICHMOND						COUNTY(IES): BRONX, KINGS, NEW YORK, PUTNAM, QUEENS, RICHMOND					
ROCKLAND						ROCKLAND					
WESTCHESTER, NY						WESTCHESTER, NY					
COUNTY(IES): WESTCHESTER						COUNTY(IES): WESTCHESTER					
NIAGARA FALLS, NY PMSA						NIAGARA FALLS, NY PMSA					
COUNTY(IES): NIAGARA						COUNTY(IES): NIAGARA					
ORANGE COUNTY, NY PMSA						ORANGE COUNTY, NY PMSA					
COUNTY(IES): ORANGE						COUNTY(IES): ORANGE					
POUGHKEEPSIE, NY MSA						POUGHKEEPSIE, NY MSA					
COUNTY(IES): DUTCHESS						COUNTY(IES): DUTCHESS					
ROCHESTER, NY MSA						ROCHESTER, NY MSA					
COUNTY(IES): LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE						COUNTY(IES): LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : N E W Y O R K

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SYRACUSE, NY MSA.....	306	366	429	536	601
COUNTY(IES): MADISON, ONONDAGA, OSWEGO					
UTICA-ROME, NY MSA.....	266	324	381	477	534
COUNTY(IES): HERKIMER, ONEIDA					

NONMETROPOLITAN COUNTIES

	O	BEDROOMS 1	BEDROOMS 2	BEDROOMS 3	BEDROOMS 4	BEDROOMS 0	BEDROOMS 1	BEDROOMS 2	BEDROOMS 3	BEDROOMS 4
ALLEGANY	261	312	366	458	514	CATTARAUGUS	257	311	366	458
CAYUGA	305	371	436	545	612	CHAUTAUQUA	274	333	392	491
CHENANGO	302	366	431	539	603	CLINTON	291	347	408	557
COLUMBIA	287	348	411	514	576	CORTLAND	312	380	448	560
DELAWARE	280	342	402	501	562	ESSEX	278	337	395	495
FRANKLIN	277	337	395	495	555	FULTON	248	303	355	445
GENESEE	284	344	406	507	568	HAMILTON	277	337	395	495
JEFFERSON	311	379	446	556	624	LEWIS	298	362	426	532
OTSEGO	280	342	402	501	562	ST LAWRENCE	284	344	406	507
SCHOHARIE	280	342	402	501	562	SCHUYLER	287	348	411	514
SENECA	305	371	436	545	612	STEUBEN	287	348	411	514
SULLIVAN	302	369	434	531	606	TOMPKINS	312	380	448	560
ULSTER	358	434	512	639	717	WYOMING	285	344	406	507
DATES	285	346	408	511	570					

S T A T E : NORTH CAROLINA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHEVILLE, NC MSA.....	258	314	370	461	517
COUNTY(IES): BUNCOMBEE					
BURLINGTON, NC MSA.....	312	379	446	558	626
COUNTY(IES): ALAMANCE					
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA.....	289	347	407	508	568
COUNTY(IES): CABARRUS, GASTON, LINCOLN, MECKLENBURG, ROWAN, UNION					
FAYETTEVILLE, NC MSA.....	246	299	353	442	495
COUNTY(IES): CUMBERLAND					
GREENSBORO--WINSTON-SALEM--HIGH POINT, NC MSA.....	269	328	385	483	542
COUNTY(IES): DAVIDSON, DAVIE, FORSYTH, GUILFORD, RANDOLPH, STOKES					
YADKIN					
HICKORY, NC MSA.....	236	286	337	422	474
COUNTY(IES): ALEXANDER, BURKE, CATAWBA					
JACKSONVILLE, NC MSA.....	244	298	351	439	492
COUNTY(IES): ONSLOW					
RALEIGH-DURHAM, NC MSA.....	309	376	443	554	620
COUNTY(IES): DURHAM, FRANKLIN, ORANGE, WAKE					
WILMINGTON, NC MSA.....	258	314	370	461	517
COUNTY(IES): NEW HANOVER					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E : NORTH CAROLINA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGHANY	233	281	329	412	452	ANSON	235	282	329	413	461
ASHE	233	281	329	412	452	AVERY	242	292	343	428	469
BEAUFORT	258	314	370	461	517	BERTIE	258	314	370	461	517
BLADEN	249	304	357	447	500	BRUNSWICK	234	285	335	420	470
CALDWELL	233	282	332	417	465	CAMDEN	249	299	349	434	483
CARTERET	242	295	347	435	488	CASWELL	234	284	334	419	469
CHATHAM	309	376	443	554	620	CHEROKEE	201	245	290	363	407
CHOWAN	249	299	349	434	483	CLAY	201	245	290	363	407
CLEVELAND	233	281	329	412	452	COLUMBUS	244	297	350	437	490
Craven	242	295	347	435	488	CURRITUCK	284	341	391	485	535
DARE	249	299	349	434	483	DUPLIN	219	265	312	389	437
EDGEcombe	242	295	347	435	488	GATES	249	299	349	434	483
GRAHAM	201	245	290	363	407	GRANVILLE	224	272	319	400	448
GREENE	226	274	322	404	452	HALIFAX	242	295	347	435	488
HARNETT	226	274	322	404	452	HAYWOOD	234	285	336	421	472
HENDERSON	254	310	365	456	511	HERTFORD	258	314	370	461	517
HOKE	219	265	312	389	437	HYDE	249	299	349	434	483
IREDELL	234	281	329	412	452	JACKSON	242	295	347	435	486
JOHNSTON	239	291	343	428	481	JONES	242	295	347	435	488
LEE	239	291	343	428	481	LENOIR	242	295	347	435	488
McDowell	233	281	329	412	452	MACON	254	309	365	456	512
MADISON	254	310	365	456	511	MARTIN	258	314	370	461	517
MITCHELL	242	292	343	428	470	MONTGOMERY	235	282	329	413	461
MOORE	235	282	329	413	461	NASH	248	303	356	446	499
NORTHAMPTON	242	295	347	435	488	PAMLICO	242	295	347	435	488
PASQUOTANK	249	299	349	434	483	PENDER	214	260	313	400	449
PERQUIMANS	249	299	349	434	483	PERSON	224	272	319	400	448
PITT	258	314	370	461	517	POLK	233	281	329	412	452
RICHMOND	235	282	329	413	461	ROBESON	209	272	302	373	418
ROCKINGHAM	234	284	334	419	469	RUTHERFORD	233	281	329	412	452
SAMPSON	226	274	322	404	452	SCOTLAND	209	253	299	373	418
STANLY	231	281	331	415	463	SURRY	221	268	315	394	442
SWAIN	201	245	290	363	407	TRANSYLVANIA	254	310	365	456	511
TYRRELL	249	299	349	434	483	VANCE	224	272	319	400	448
WARREN	224	272	319	400	448	WASHINGTON	249	299	349	434	483
WATAUGA	332	400	469	586	644	WAYNE	226	274	322	404	452
WILKES	279	335	393	492	539	WILSON	248	303	356	446	499
YANCEY	260	313	368	459	505						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

O31688

S T A T E : NORTH DAKOTA

BISMARCK, ND MSA.....	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): BURLEIGH, MORTON	296	360	424	530	595
FARGO-MOORHEAD, ND-MN MSA.....	296	360	423	531	595
COUNTY(IES): CASS	282	342	404	503	565
GRAND FORKS, ND MSA.....					
COUNTY(IES): GRAND FORKS					

NONMETROPOLITAN COUNTIES

ADAMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BENSON	250	305	359	450	502
BOTTINEAU	257	312	367	459	516
BURKE	250	305	359	450	502
DICKEY	257	312	367	459	516
DUNN	250	305	359	450	502
EMMONS	226	274	323	406	453
GOLDEN VALLEY	250	305	359	450	502
GRIGGS	257	312	367	459	516
KIDDER	226	274	323	406	453
LOGAN	257	312	367	459	516
MCINTOSH	257	312	367	459	502
MCLEAN	226	274	323	406	453
MOUNTRAIL	250	305	359	450	502
OLIVER	226	274	323	406	453
PIERCE	250	305	359	450	502
RANSOM	233	283	334	417	466
RICHLAND	233	283	334	417	466
SARGENT	233	283	334	417	466
SIOUX	226	274	323	406	453
STARK	250	305	359	450	502
STUTSMAN	257	312	367	459	516
TRAILL	233	283	334	417	466
WARD	250	305	359	450	502
WILLIAMS	250	305	359	450	502

S T A T E : OHIO

AKRON, OH PMSA.....	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): PORTAGE, SUMMIT	291	353	416	521	583
CANTON, OH MSA.....	257	312	367	459	516
COUNTY(IES): CARROLL, STARK	269	329	388	485	540
CINCINNATI, OH-KY-IN PMSA.....					
COUNTY(IES): CLERMONT, HAMILTON, WARREN					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : OHIO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLEVELAND, OH PMSA.....	275	335	395	495	555
COUNTY(IES): CUYAHOGA, GEauga, LAKE, MEDINA					
COLUMBUS, OH MSA.....	293	352	412	522	587
COUNTY(IES): DELAWARE, FAIRFIELD, FRANKLIN, LICKING, MADISON PICKAWAY, UNION					
DAYTON-SPRINGFIELD, OH MSA.....	271	331	385	484	537
COUNTY(IES): CLARK, GREENE, MIAMI, MONTGOMERY					
HAMILTON-MIDDLETOWN, OH PMSA.....	302	368	433	541	606
COUNTY(IES): BUTLER					
HUNTINGTON-ASHLAND, WV-KY-OH MSA.....	286	347	409	512	575
COUNTY(IES): LAWRENCE					
LIMA, OH MSA.....	272	331	389	488	547
COUNTY(IES): ALLEN, AUGLAIZE					
LORAIN-ELYRIA, OH PMSA.....	285	348	410	513	574
COUNTY(IES): LORAIN					
MANSFIELD, OH MSA.....	246	301	352	442	494
COUNTY(IES): RICHLAND					
PARKERSBURG-MARIETTA, WV-OH MSA.....	268	325	383	481	537
COUNTY(IES): WASHINGTON					
STEUBENVILLE-WEIRTON, OH-WV MSA.....	275	335	392	492	553
COUNTY(IES): JEFFERSON					
TOLEDO, OH MSA.....	312	380	448	560	627
COUNTY(IES): FULTON, LUCAS, WOOD					
WHEELING, WV-OH MSA.....	269	327	386	482	540
COUNTY(IES): BELMONT					
YOUNGSTOWN-WARREN, OH MSA.....	272	331	389	488	547
COUNTY(IES): MAHONING, TRUMBULL					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	244	294	344	428	482
ASHTABULA	287	349	412	516	576
BROWN	244	294	344	428	482
CLINTON	248	303	356	446	498
COSHOCTON	222	271	320	396	446
DARKE	248	303	356	446	498
ERIE	281	341	402	501	563
GALLIA	268	325	383	481	537
HANCOCK	264	320	377	470	529
HARRISON	247	301	354	444	496
HIGHLAND	244	294	344	428	482
HOLMES	261	318	374	467	524
JACKSON	260	320	377	470	529
LOGAN	264	320	377	470	529
MEIGS	237	287	339	423	475
MONROE	266	323	380	477	533
ASHLAND	269	328	385	483	539
ATHENS	255	314	370	461	517
CHAMPAIGN	260	316	373	465	522
COLUMBIANA	255	309	365	456	511
CRAWFORD	247	301	354	444	496
DEFIANCE	278	337	396	496	557
FAYETTE	248	303	356	446	498
GUERNSEY	263	319	376	469	527
HARDIN	264	320	377	470	529
HENRY	278	337	396	496	557
HOCKING	237	287	339	423	475
HURON	247	301	354	444	496
KNOX	240	292	343	428	482
MARION	240	292	343	428	482
MERCER	248	303	356	446	498
MORGAN	266	323	380	477	533

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: OHIO

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MORROW	240	292	343	428	482	MUSKINGUM	248	301	354	444
NOBLE	266	323	380	477	533	OTTAWA	281	341	402	501
PAULDING	278	337	396	496	557	PERRY	237	287	339	423
PIKE	240	292	343	428	482	PREBLE	270	329	386	485
PUTNAM	268	325	383	481	537	ROSS	248	303	356	446
SANDUSKY	281	341	402	501	563	SCIOTO	240	292	343	428
SENECA	247	301	354	444	496	SHELBY	248	303	356	446
TUSCARAWAS	261	318	374	467	524	VAN WERT	263	325	383	481
VINTON	268	325	383	481	537	WAYNE	263	328	385	483
WILLIAMS	278	337	396	496	557	WYANDOT	247	301	354	444

S T A T E: OKLAHOMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ENID, OK MSA	296	361	425	531	595					
COUNTY(IES): GARFIELD										
FORT SMITH, AR-OK MSA	246	300	353	442	495					
COUNTY(IES): SEQUOYAH										
LAWTON, OK MSA	255	310	366	457	512					
COUNTY(IES): COMANCHE										
OKLAHOMA CITY, OK MSA	322	387	455	558	628					
COUNTY(IES): CANADIAN, CLEVELAND, LOGAN, MCCLAIN, OKLAHOMA										
POTTAWATOMIE										
TULSA, OK MSA	323	392	462	577	647					
COUNTY(IES): CREEK, OSAGE, ROGERS, TULSA, WAGONER										

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	199	244	285	355	395	ALFALFA	225	275	324	403
ATOKA	174	213	251	313	350	BEAVER	225	275	324	403
BECKHAM	220	267	315	394	442	BLAINE	225	275	324	403
BRYAN	210	255	300	376	421	CADDO	209	254	298	374
CARTER	210	255	300	376	421	CHEROKEE	199	244	285	355
CHOCTAW	174	213	251	313	350	CIMARRON	225	275	324	403
COAL	174	213	251	313	350	COTTON	209	254	298	374
CRAIG	253	308	362	453	508	CUSTER	220	267	315	394
DELAWARE	197	241	282	352	395	DEWEY	225	275	324	403
ELLIS	225	275	324	403	454	GARVIN	210	255	300	376
GRADY	209	254	298	374	419	GRANT	261	317	374	457
GREER	220	267	315	394	442	HARMON	220	267	315	394
HARPER	225	275	324	403	454	HASKELL	174	213	251	313
HUGHES	203	247	290	363	406	JOHNSON	220	267	315	394
JEFFERSON	209	254	298	374	419	JOHNSTON	210	255	300	376

NOTE. THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMRS FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMRS FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMRS, AND THE CALCULATION OF THE FMRS FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMRS, ETC.

031688

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

STATE: OKLAHOMA

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES										
O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS
KAY	261	317	374	467	523	KINGFISHER	261	317	374	467
KIOWA	220	267	315	394	442	LATIMER	174	213	251	313
LE FLORE	174	213	251	313	350	LINCOLN	250	303	356	446
LOVE	210	255	300	376	421	MCCURTAIN	221	270	318	396
MCINTOSH	203	247	290	363	406	MAJOR	225	275	324	403
MARSHALL	210	255	300	376	421	MAYES	262	318	376	469
MURRAY	210	255	300	376	421	MUSKOGEE	203	247	290	363
NOBLE	261	317	374	467	523	NOWATA	253	308	362	453
OKFUSKEE	203	247	290	363	406	OKMULGEE	203	247	290	363
OTTAWA	253	308	362	453	508	PAWNEE	250	303	356	446
PAYNE	250	303	356	446	500	PITTSBURG	174	213	251	313
PONTOTOC	210	255	300	376	421	PUSHMATAHA	174	213	251	313
ROGER MILLS	220	267	315	394	442	SEMINOLE	208	253	298	369
STEPHENS	209	254	298	374	419	TEXAS	225	275	324	403
TILLMAN	209	254	298	374	419	WASHINGTON	253	308	362	453
WASHITA	220	267	315	394	442	WOODS	225	275	324	403
WOODWARD	225	275	324	403	454					454

STATE: OREGON

EUGENE-SPRINGFIELD, OR MSA											
COUNTY(IES): LANE											
MEDFORD, OR MSA											
COUNTY(IES): JACKSON											
PORTLAND, OR MSA											
COUNTY(IES): CLACKAMAS, MULTNOMAH, WASHINGTON, WASHHILL											
SALEM, OR MSA											
COUNTY(IES): MARION, POLK											

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES											
	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BAKER	331	402	473	592	663	BENTON	337	410	484	604	676
CLATSOP	322	392	461	575	645	COLUMBIA	322	392	461	575	645
COOS	346	420	495	618	693	CROOK	351	426	501	628	702
CURRY	346	420	495	618	693	DESCHUTES	351	426	501	628	702
DOUGLAS	346	420	495	618	693	GILLIAM	331	402	473	592	663
GRANT	331	402	473	592	663	HARNEY	316	384	453	566	634
HOOD RIVER	351	426	501	628	702	JEFFERSON	351	426	501	628	702
JOSEPHINE	346	420	495	618	693	KLAMATH	316	384	453	566	634
LAKE	316	384	453	566	634	LINCOLN	322	392	461	575	645
LINN	337	410	484	604	676	MALHEUR	316	384	453	566	634

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : OREGON

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	SHERMAN	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MORROW	331	402	473	592	663	UMATILLA	351	426	501	628	702
TILLAMOOK	322	392	461	575	645	WALLOWA	331	402	473	592	663
UNION	331	402	473	592	663	WHEELER	331	402	473	592	663
WASCO	351	426	501	628	702						

S T A T E : PENNSYLVANIA

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENTOWN-BETHLEHEM, PA-NJ MSA	317	385	450	567	632					
COUNTY(IES): CARBON, LEHIGH, NORTHAMPTON										
ALTOONA, PA MSA	282	342	403	503	564					
COUNTY(IES): BLAIR										
BEAVER COUNTY, PA PMSA	291	351	412	517	578					
COUNTY(IES): BEAVER										
ERIE, PA MSA	324	394	453	580	650					
COUNTY(IES): ERIE										
HARRISBURG-LEBANON-CARLISLE, PA MSA	336	403	476	594	665					
COUNTY(IES): CUMBERLAND, DAUPHIN, LEBANON, PERRY										
JOHNSTOWN, PA MSA	273	333	391	489	549					
COUNTY(IES): CAMBRIA, SOMERSET										
LANCASTER, PA MSA	339	412	484	607	679					
COUNTY(IES): LANCASTER										
PHILADELPHIA, PA-NJ PMSA	360	435	511	639	714					
COUNTY(IES): BUCKS, CHESTER, DELAWARE, MONTGOMERY, PHILADELPHIA										
PITTSBURGH, PA PMSA	305	371	436	545	611					
COUNTY(IES): ALLEGHANY, FAYETTE, WASHINGTON, WESTMORELAND										
READING, PA MSA	317	386	453	567	635					
COUNTY(IES): BERKS										
SCRANTON--WILKES-BARRE, PA MSA	257	317	369	455	516					
COUNTY(IES): COLUMBIA, LACKAWANNA, LUZERNE, MONROE, WYOMING										
SHARON, PA MSA	300	364	430	538	603					
COUNTY(IES): MERCER										
STATE COLLEGE, PA MSA	362	440	519	648	726					
COUNTY(IES): CENTRE										
WILLIAMSPORT, PA MSA	273	333	391	489	549					
COUNTY(IES): LYCOMING										
YORK, PA MSA	305	371	436	546	612					
COUNTY(IES): ADAMS, YORK										

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARMSTRONG	315	382	450	563	631	BEDFORD	254	309	364	455
BRADFORD	261	318	374	468	523	BUTLER	313	381	448	561
CAMERON	265	322	379	474	531	CLARION	258	315	370	462
CLEARFIELD	270	328	387	483	541	CLINTON	265	320	376	470
CRAWFORD	268	324	383	479	537	ELK	265	322	373	474

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: PENNSYLVANIA

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FOREST	258	315	370	462	519	FRANKLIN	290	353	414	520
FULTON	254	309	364	455	509	GREENE	270	328	387	483
HUNTINGDON	254	309	364	455	509	INDIANA	315	382	450	563
JEFFERSON	270	328	387	483	541	JUNIATA	262	319	375	470
LAWRENCE	268	324	383	479	537	MCKEAN	265	322	379	474
MIFFLIN	262	319	382	470	525	MONTOUR	270	328	387	483
NORTHUMBERLAND	282	328	387	483	541	PIKE	303	354	437	543
POTTER	265	322	379	474	531	SCHUYLKILL	293	344	417	505
SNYDER	262	319	375	470	525	SULLIVAN	261	318	374	468
SUSQUEHANNA	261	318	374	468	523	TIOGA	261	318	374	468
UNION	303	355	437	543	591	VENANGO	258	315	370	462
WARREN	268	324	383	479	537	WAYNE	291	354	416	522

S T A T E: RHODE ISLAND

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FALL RIVER, MA-RI PMSA	366	436	524	607	670					
COUNTY: NEWPORT TOWNS OF LITTLE COMPT, TIVERTON										
NEW LONDON-NORWICH, CT-RI MSA	405	493	579	724	812					
COUNTY: WASHINGTON TOWNS OF HOPKINTON, WESTERLY										
PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	355	430	506	621	709					
COUNTY: PROVIDENCE TOWNS OF BURRILLVILLE, CENTRAL FALL, CUMBERLAND										
LINCOLN, NORTH SMITHF, PAWTUCKET, SMITHFIELD										
WOONSOCKET										

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PROVIDENCE, RI PMSA	376	448	525	658	733					
COUNTY: BRISTOL TOWNS OF BARRINGTON, BRISTOL, WARREN										
COUNTY: KENT TOWNS OF COVENTRY, EAST GREENWI, WARWICK, WEST WARWICK										
COUNTY: NEWPORT TOWNS OF JAMESTOWN										
COUNTY: PROVIDENCE TOWNS OF CRANSTON, EAST PROVIDE, FOSTER										
GLOUCESTER, JOHNSTON, NORTH PROVID, PROVIDENCE										
SCITUATE										
COUNTY: WASHINGTON TOWNS OF EXETER, NARRAGANSETT, NORTH KINGST										
RICHMOND, SOUTH KINGST										

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES										
KENT COUNTY TOWNS OF WEST GREENWI	338	411	484	605	678					
NEWPORT COUNTY TOWNS OF MIDDLETOWN, NEWPORT, PORTSMOUTH	442	537	632	790	885					
WASHINGTON COUNTY TOWNS OF CHARLESTOWN, NEW SHOREHAM	338	411	484	605	678					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E : SOUTH CAROLINA

031688

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, SC MSA.....	234	284	333	419	458
COUNTY(IES): ANDERSON					
AUGUSTA, GA-SC MSA.....	271	327	382	477	534
COUNTY(IES): AIKEN					
CHARLESTON, SC MSA.....	289	352	415	517	580
COUNTY(IES): BERKELEY, CHARLESTON, DORCHESTER					
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA.....	288	347	407	508	568
COUNTY(IES): YORK					
COLUMBIA, SC MSA.....	292	356	420	524	586
COUNTY(IES): LEXINGTON, RICHLAND					
FLORENCE, SC MSA.....	237	288	340	425	476
COUNTY(IES): FLORENCE					
GREENVILLE-SPARTANBURG, SC MSA.....	255	310	366	457	513
COUNTY(IES): GREENVILLE, PICKENS, SPARTANBURG					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABBEVILLE	206	250	296	366	406
BAMBERG	214	261	307	385	431
BEAUFORT	265	323	381	476	533
CHEROKEE	206	249	294	368	414
CHESTERFIELD	205	248	292	366	411
COLLETON	265	323	381	476	533
DILLON	205	248	292	366	411
FAIRFIELD	201	245	289	361	404
GREENWOOD	206	250	296	366	406
HORRY	248	302	355	444	498
KERSHAW	232	281	330	415	464
LAURENS	206	250	296	366	406
MCCORMICK	201	245	289	361	404
MARLBORO	205	248	292	366	411
OCONEE	253	309	364	455	510
SALUDA	201	245	289	361	404
UNION	206	249	294	368	414
ALLEDALE	214	261	307	385	431
BARNWELL	214	261	307	385	431
CALHOUN	220	268	318	389	435
CHESTER	206	249	294	368	414
CLARENDON	232	281	330	415	464
DARLINGTON	205	248	292	366	411
EDGEFIELD	201	245	289	361	404
GEORGETOWN	248	302	355	434	498
HAMPTON	265	323	381	476	533
JASPER	265	323	381	476	533
LANCASTER	221	271	319	394	440
LEE	232	281	330	415	464
MARION	205	248	292	366	411
NEWBERRY	201	245	289	361	404
ORANGEBURG	214	261	307	385	431
SUMTER	232	281	330	415	464
WILLIAMSBURG	248	302	355	444	498

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E SOUTH DAKOTA

RAPID CITY, SD MSA.....	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES) PENNINGTON	270	325	379	470	526
SIOUX FALLS, SD MSA.....	285	346	407	510	571
COUNTY(IES) MINNEHAHA					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA	243	293	343	429	480
BENNETT	220	267	315	394	441
BROOKINGS	238	287	335	417	471
BRULE	240	291	343	429	480
BUTTE	262	319	375	470	526
CHARLES MIX	240	291	343	429	480
CLAY	240	291	343	429	480
CORSON	220	267	315	394	441
DAVISON	243	293	343	429	480
DEUEL	215	258	308	382	424
DOUGLAS	240	291	343	429	480
FALL RIVER	262	319	375	470	526
GRANT	238	287	335	417	471
HAAKON	220	267	315	394	441
HAND	243	293	343	426	474
HARDING	262	319	375	470	526
HUTCHINSON	240	291	343	429	480
JACKSON	220	267	315	394	441
JONES	220	267	315	394	441
LAKE	209	254	298	374	419
LINCOLN	243	293	343	429	480
MCCOOK	209	254	298	374	419
MARSHALL	232	284	334	419	469
MELLETTTE	220	267	315	394	441
MOODY	209	254	298	374	419
POTTER	220	267	315	394	441
SANBORN	243	293	343	429	480
SPINK	232	284	334	419	469
SULLY	220	267	315	394	441
TRIPP	220	267	315	394	441
UNION	240	291	343	429	480
YANKTON	240	291	343	429	480
BEADLE	243	293	343	426	474
BON HOMME	240	291	343	429	480
BROWN	259	314	367	460	514
BUFFALO	220	267	315	394	441
CAMPBELL	220	267	315	394	441
CLARK	215	258	308	382	424
CODINGTON	238	287	335	417	471
CUSTER	262	319	375	470	526
DAY	232	284	334	419	469
DEWEY	220	267	315	394	441
EDMUNDS	232	284	334	419	469
FAULK	232	284	334	419	469
GREGORY	220	267	315	394	441
HAWLIN	215	258	308	382	424
HANSON	243	293	343	429	480
HUGHES	287	352	411	514	574
HYDE	220	267	315	394	441
JERAULD	243	293	343	429	480
KINGSBURY	209	254	298	374	419
LAWRENCE	268	319	375	470	526
LYMAN	220	267	315	394	441
MCPHERSON	232	284	334	419	469
MEADE	270	325	379	470	526
MINER	209	254	298	374	419
PERKINS	220	267	315	394	441
ROBERTS	232	284	334	419	469
SHANNON	220	267	315	394	441
STANLEY	287	352	411	514	574
TODD	220	267	315	394	441
TURNER	243	293	343	429	480
WALWORTH	220	267	315	394	441
ZIEBACH	220	267	315	394	441

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E . TENNESSEE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHATTANOOGA, TN-GA MSA.....	289	351	413	517	580
COUNTY(IES): HAMILTON, MARION, SEQUATCHIE					
CLARKSVILLE-HOPKINSVILLE, TN-KY MSA.....	267	336	421	511	567
COUNTY(IES): MONTGOMERY					
JACKSON, TN MSA.....	262	315	374	466	525
COUNTY(IES): MADISON					
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA.....	242	294	346	433	485
COUNTY(IES): CARTER, HAWKINS, SULLIVAN, UNICOI, WASHINGTON					
KNOXVILLE, TN MSA.....	266	325	381	477	534
COUNTY(IES): ANDERSON, BLOUNT, GRAINGER, JEFFERSON, KNOX, SEVIER					
UNION					
MEMPHIS, TN-AR-MS MSA.....	285	345	405	505	565
COUNTY(IES): SHELBY, TIPTON					
NASHVILLE, TN MSA.....	316	386	454	566	636
COUNTY(IES): CHEATHAM, DAVIDSON, DICKSON, ROBERTSON, RUTHERFORD					
SUMNER, WILLIAMSON, WILSON					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEDFORD	227	286	325	404	454
BLED SOE	237	289	340	425	476
CAMPBELL	193	235	279	347	386
CARROLL	214	260	306	384	429
CLAIBORNE	193	235	279	347	386
COCKE	216	262	307	386	432
CROCKETT	218	264	310	390	436
DECATUR	233	285	335	419	469
DYER	218	264	310	390	436
FENTRESS	214	262	309	386	433
GIBSON	218	264	310	390	436
GREENE	212	258	302	378	425
HAMBLEN	224	272	322	401	450
HARDEMAN	233	285	335	419	469
HAYWOOD	223	280	320	400	448
HENRY	214	260	306	384	429
HOUSTON	197	239	282	352	394
JACKSON	185	228	270	338	375
LAKE	218	264	310	390	436
LAWRENCE	227	285	325	404	454
LINCOLN	257	309	364	456	509
MCMINN	237	289	340	425	476
MACON	214	262	309	386	433
MAURY	227	286	325	404	454
MONROE	227	280	327	409	458
BENTON	214	260	306	384	429
BRADLEY	237	289	340	425	476
CANNON	214	262	309	386	433
CHESTER	233	285	335	419	469
CLAY	185	228	270	338	375
COFFEE	227	286	325	404	454
CUMBERLAND	214	262	309	386	433
DE KALB	214	262	309	386	433
FAYETTE	223	272	320	400	448
FRANKLIN	257	309	364	456	509
GILES	227	286	325	404	454
GRUNDY	237	289	340	425	476
HANCOCK	212	258	302	378	425
HARDIN	233	285	335	419	469
HENDERSON	233	285	335	419	469
HICKMAN	227	286	325	404	454
HUMPHREYS	197	239	282	352	394
JOHNSON	206	251	295	369	413
LAUDERDALE	223	280	320	400	448
LEWIS	225	274	324	404	454
LOUDON	227	280	327	409	458
MCNAIRY	233	285	335	419	469
MARSHALL	227	286	325	404	454
MEIGS	237	289	340	425	476
MOORE	227	286	325	404	454

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: TENNESSEE

NONMETROPOLITAN COUNTIES

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MORGAN	193	235	279	347	386	221	272	310	392
OVERTON	214	262	309	386	433	225	274	324	404
PICKETT	214	262	309	386	433	237	289	340	429
PUTNAM	220	267	314	394	440	237	289	340	425
ROANE	227	280	327	409	458	193	235	279	347
SMITH	214	262	309	386	433	197	239	282	352
TROUSDALE	214	262	309	386	433	220	267	314	394
WARREN	220	267	314	394	440	225	274	324	404
WEAKLEY	214	260	306	384	429	220	267	314	394

S T A T E: TEXAS

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABILENE, TX MSA	288	351	413	517	580	288	351	413	517
COUNTY(IES): TAYLOR	266	323	381	475	532	266	323	381	475
AMARILLO, TX MSA	341	409	482	603	675	341	409	482	603
COUNTY(IES): POTTER, RANDALL	306	371	437	547	612	306	371	437	547
AUSTIN, TX MSA	305	370	436	545	610	305	370	436	545
COUNTY(IES): HAYS, TRAVIS, WILLIAMSON	271	329	387	484	543	271	329	387	484
BEAUMONT-PORT ARTHUR, TX MSA	359	437	513	642	720	359	437	513	642
COUNTY(IES): HARDIN, JEFFERSON, ORANGE	313	380	447	560	627	313	380	447	560
BRAZORIA, TX PMSA	292	359	421	528	590	292	359	421	528
COUNTY(IES): BRAZORIA	268	324	382	477	535	268	324	382	477
BROWNSVILLE-HARLINGEN, TX MSA	292	359	421	528	590	292	359	421	528
COUNTY(IES): CAMERON	284	346	407	509	570	284	346	407	509
BRYAN-COLLEGE STATION, TX MSA	272	330	388	486	544	272	330	388	486
COUNTY(IES): BRAZOS	264	320	377	471	528	264	320	377	471
CORPUS CHRISTI, TX MSA	249	304	356	446	501	249	304	356	446
COUNTY(IES): NUECES, SAN PATRICIO	302	366	431	537	603	302	366	431	537
DALLAS, TX PMSA	292	359	421	528	590	292	359	421	528
COUNTY(IES): COLLIN, DALLAS, DENTON, ELLIS, KAUFMAN, ROCKWALL	284	346	407	509	570	284	346	407	509
EL PASO, TX MSA	272	330	388	486	544	272	330	388	486
COUNTY(IES): EL PASO	264	320	377	471	528	264	320	377	471
FORT WORTH-ARLINGTON, TX PMSA	249	304	356	446	501	249	304	356	446
COUNTY(IES): JOHNSON, PARKER, TARRANT	302	366	431	537	603	302	366	431	537
GALVESTON-TEXAS CITY, TX PMSA	272	330	388	486	544	272	330	388	486
COUNTY(IES): GALVESTON	264	320	377	471	528	264	320	377	471
HOUSTON, TX PMSA	249	304	356	446	501	249	304	356	446
COUNTY(IES): FORT BEND, HARRIS, LIBERTY, MONTGOMERY, WALLER	302	366	431	537	603	302	366	431	537
KILLEEN-TEMPLE, TX MSA	272	330	388	486	544	272	330	388	486
COUNTY(IES): BELL, CORYELL	264	320	377	471	528	264	320	377	471
LAREDO, TX MSA	249	304	356	446	501	249	304	356	446
COUNTY(IES): WEBB	302	366	431	537	603	302	366	431	537
LONGVIEW-MARSHALL, TX MSA	272	330	388	486	544	272	330	388	486
COUNTY(IES): GREGG, HARRISON	264	320	377	471	528	264	320	377	471

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

STATE: TEXAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LUBBOCK, TX MSA.....	224	281	368	467	515
COUNTY(IES): LUBBOCK					
MC ALLEN-EDINBURG-MISSION, TX MSA.....	270	328	385	482	541
COUNTY(IES): HIDALGO					
MIDLAND, TX MSA.....	346	421	495	620	694
COUNTY(IES): MIDLAND					
ODESSA, TX MSA.....	344	419	492	615	689
COUNTY(IES): ECTOR					
SAN ANGELO, TX MSA.....	290	353	416	521	584
COUNTY(IES): TOM GREEN					
SAN ANTONIO, TX MSA.....	295	354	420	527	586
COUNTY(IES): BEXAR, COMAL, GUADALUPE					
SHERMAN-DENISON, TX MSA.....	265	321	379	473	530
COUNTY(IES): GRAYSON					
TEXARKANA, TX-TEXARKANA, AR MSA.....	244	296	349	437	489
COUNTY(IES): BOWIE					
TYLER, TX MSA.....	305	370	436	545	610
COUNTY(IES): SMITH					
VICTORIA, TX MSA.....	372	451	531	666	745
COUNTY(IES): VICTORIA					
WACO, TX MSA.....	252	302	354	440	490
COUNTY(IES): MCLENNAN					
WICHITA FALLS, TX MSA.....	274	333	393	490	550
COUNTY(IES): WICHITA					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON	198	240	281	352	396
ANGELINA	255	311	366	456	512
ARCHER	241	291	344	431	482
ATASCOSA	273	331	390	488	547
BAILEY	237	288	341	427	476
BASTROP	221	270	317	397	444
BEE	217	266	312	390	438
BORDEN	203	247	289	364	406
BREWSTER	241	291	344	431	482
BROOKS	223	273	322	399	445
BURLESON	217	266	312	390	438
CALDWELL	249	304	356	446	501
CALLAHAN	212	257	305	380	427
CARSON	244	296	348	437	488
CASTRO	282	343	403	505	565
CHEROKEE	221	270	317	397	444
CLAY	223	273	322	399	445
COKE	223	273	322	399	445
ANDREWS					
ARANSAS					
ARMSTRONG					
AUSTIN					
BANDERA					
BAYLOR					
BLANCO					
BOSQUE					
BRISCOE					
BROWN					
BURNET					
CALHOUN					
CAMP					
CASS					
CHAMBERS					
CHILDRESS					
COCHRAN					
COLEMAN					

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

STATE: TEXAS

031688

NONMETROPOLITAN COUNTIES

O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLLINGSWORTH	241	291	344	431	482	COLORADO	273	331	390	488	547
COMANCHE	229	278	326	408	459	CONCHO	207	252	295	371	414
COOKE	254	309	364	454	510	COTTLE	221	270	317	397	444
CRANE	198	240	281	352	396	CROCKETT	207	252	296	371	414
CROSBY	223	273	322	399	445	CULBERSON	198	240	281	352	396
DALLAM	241	291	344	431	482	DAWSON	217	266	312	390	437
DEAF SMITH	241	291	344	431	482	DELTA	244	296	348	437	488
DE WITT	304	304	356	446	501	DICKENS	223	273	322	399	445
DIMMIT	214	262	308	384	431	DONLEY	241	291	344	431	482
DUVAL	255	311	366	456	512	EASTLAND	229	278	326	408	459
EDWARDS	220	270	316	389	433	ERATH	229	278	326	408	459
FALLS	203	247	289	364	406	FANNIN	254	309	364	454	510
FAYETTE	235	285	336	422	472	FISHER	229	278	326	408	459
FLOYD	223	273	322	399	445	FOARD	221	270	317	397	444
FRANKLIN	224	296	348	437	488	FREESTONE	203	247	289	364	406
FRIO	237	288	341	427	476	GAINES	198	240	281	352	396
GARZA	223	273	322	399	445	GILLESPIE	237	288	341	427	476
GLASSCOCK	217	266	312	390	437	GOLIAD	249	304	356	446	501
GONZALES	249	304	356	446	501	GRAY	241	291	344	431	482
GRIMES	237	287	339	424	474	HALE	223	273	322	399	445
HALL	241	291	344	431	482	HAMILTON	217	266	312	390	438
HANSFORD	241	291	344	431	482	HARDEMAN	221	270	317	397	444
HARTLEY	241	291	344	431	482	HASKELL	229	278	326	408	459
HEMPHILL	241	291	344	431	482	HENDERSON	231	280	330	412	463
HILL	252	303	354	444	497	HOCKLEY	221	270	317	397	444
HOOD	273	331	390	488	547	HOPKINS	244	296	348	437	488
HOUSTON	240	290	343	430	481	HOWARD	217	266	312	390	437
HUDSPETH	198	240	281	352	396	HUNT	254	309	364	454	510
HUTCHINSON	241	291	344	431	482	IRION	207	252	296	371	414
JACK	221	270	317	397	444	JACKSON	249	304	356	446	501
JASPER	255	311	366	456	512	JEFF DAVIS	198	240	281	352	396
JIM HOGG	243	293	347	435	486	JIM WELLS	255	311	366	456	512
JONES	229	278	326	408	459	KARNES	195	237	279	349	391
KENDALL	237	288	341	427	476	KENEDY	255	311	366	456	512
KENT	229	278	326	408	459	KERR	237	288	341	427	476
KIMBLE	207	252	296	371	414	KING	223	273	322	399	445
KINNEY	220	270	316	389	433	KLEBERG	255	311	366	456	512
KNOX	223	273	322	399	445	LAMAR	244	296	348	437	488
LAMB	223	273	322	399	445	LAMPASAS	217	266	312	390	438

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

STATE: TEXAS

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LA SALLE	214	262	308	384	431	LAWAUA	249	304	356	446
LEE	235	285	336	422	472	LEON	249	296	347	489
LIMESTONE	203	247	289	364	406	LIPSCOMB	241	291	344	431
LIVE OAK	255	311	366	456	512	LLANO	217	266	312	390
LOVING	198	240	281	352	396	LYNN	223	273	322	399
MCCULLOCH	223	273	322	399	445	MCMULLEN	255	311	366	456
MADISON	245	296	349	437	489	MARION	212	257	305	380
MARTIN	217	266	312	390	437	MASON	207	252	296	371
MATAGORDA	273	331	390	488	547	MAVERICK	220	270	316	389
MEDINA	237	288	341	427	476	MENARD	207	252	296	371
MILAM	235	285	336	422	472	MILLS	223	273	322	399
MITCHELL	229	278	326	408	459	MONTAGUE	221	270	317	397
MOORE	241	291	344	431	482	MORRIS	244	296	347	437
MOTLEY	223	273	322	399	445	NACOGDOCHES	269	325	384	480
NAVARRO	203	247	289	364	406	NEWTON	255	311	366	456
NOLAN	229	278	326	408	459	OCHILTREE	241	291	344	431
OLDHAM	241	291	344	431	482	PALO PINTO	229	278	326	408
PANOLA	231	280	330	412	463	PARMER	241	291	344	431
PECOS	198	240	281	352	396	POLK	269	325	384	480
PRESIDIO	198	240	281	352	396	RAINS	219	269	314	388
REAGAN	207	252	296	371	414	REAL	220	270	316	389
RED RIVER	244	296	348	437	488	REEVES	198	240	281	352
REFUGIO	255	311	366	456	512	ROBERTS	241	291	344	431
ROBERTSON	237	287	339	424	474	RUNNELS	223	273	322	399
RUSK	231	280	330	412	463	SABINE	211	257	304	380
SAN AUGUSTIN	211	257	304	380	425	SAN JACINTO	269	325	384	480
SAN SABA	223	273	322	399	445	SCHLEICHER	207	252	296	371
SCURRY	229	278	326	408	459	SHACKLEFORD	229	278	326	408
SHELBY	211	257	304	380	425	SHERMAN	241	291	344	431
SOMERVILLE	203	247	289	364	406	STARR	211	256	303	377
STEPHENS	229	278	326	408	459	STERLING	207	252	296	371
STONEWALL	229	278	326	408	459	SUTTON	207	252	296	371
SWISHER	241	291	344	431	482	TERRELL	198	240	281	352
TERRY	223	273	322	399	445	THROCKMORTON	229	278	326	408
TITUS	244	296	348	437	488	TRINITY	245	308	363	452
TYLER	245	296	349	437	489	UPSHUR	212	257	305	380
UPTON	217	266	312	390	437	UVALDE	220	270	316	389
VAL VERDE	220	270	316	389	433	VAN ZANDT	219	269	314	388
WALKER	278	339	399	500	559	WARD	198	240	281	352

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: TEXAS

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WASHINGTON	245	296	349	437	489	WHARTON	273	331	390	488
WHEELER	241	291	344	431	482	WILBARGER	221	270	317	444
WILLACY	255	311	366	456	512	WILSON	195	237	279	349
WINKLER	198	240	281	352	396	WISE	273	331	390	488
WOOD	212	257	305	380	427	YOAKUM	223	273	322	399
YOUNG	221	270	317	397	444	ZAPATA	211	256	303	377
ZAVALA	220	270	316	389	433					423

S T A T E: UTAH

PROVO-OREM, UT MSA.....	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): UTAH	282	343	402	503	565
SALT LAKE CITY-OGDEN, UT MSA.....	325	390	460	575	645
COUNTY(IES): DAVIS, SALT LAKE, WEBER					

NONMETROPOLITAN COUNTIES

	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVER	308	375	442	551	617	BOX ELDER	284	345	407	508	570
CACHE	284	345	407	508	570	CARBON	352	427	502	629	704
DAGGETT	352	427	502	629	704	DUCHESNE	352	427	502	629	704
EMERY	352	427	502	629	704	GARFIELD	308	375	442	551	617
GRAND	352	427	502	629	704	IRON	308	375	442	551	617
JUAB	308	375	442	551	617	KANE	308	375	442	551	617
MILLARD	308	375	442	551	617	MORGAN	352	427	502	629	704
PIUTE	308	375	442	551	617	RICH	284	345	407	508	570
SAN JUAN	352	427	502	629	704	SANPETE	308	375	442	551	617
SEVIER	308	375	442	551	617	SUMMIT	352	427	502	629	704
TOOELE	284	345	407	508	570	UINTAH	352	427	502	629	704
WASATCH	352	427	502	629	704	WASHINGTON	337	405	478	596	670
WAYNE	308	375	442	551	617						

S T A T E: VERMONT

BURLINGTON, VT MSA.....	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY: CHITTENDEN TOWNS OF BURLINGTON, CHARLOTTE, COLCHESTER, ESSEX	405	493	579	724	812

HINESBURG, JERICHO, MILTON, RICHMOND, ST. GEORGE
SHELburne, SOUTH BURLIN, WILLISTON, WINOOSKI

COUNTY: FRANKLIN TOWNS OF GEORGIA

COUNTY: GRAND ISLE TOWNS OF GRAND ISLE, SOUTH HERO

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E : VERMONT

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

ADDISON COUNTY
BENNINGTON COUNTY
CALDONIA COUNTY
CHITTENDEN COUNTY TOWNS OF BOLTON, BUELS, HUNTINGTON, UNDERHILL
WESTFORD

ESSEX COUNTY

FRANKLIN COUNTY TOWNS OF BAKERSFIELD, BERKSHIRE, ENDSBURG, FAIRFAX
FAIRFIELD, FLETCHER, FRANKLIN, HIGHGATE, MONTGOMERY, RICHFORD
ST. ALBANS, ST. ALBANS, SHELDON, SWANTON

GRAND ISLE COUNTY TOWNS OF ALBURG, ISLE LA MOTTE, NORTH HERO

LAMOILLE COUNTY

ORANGE COUNTY

ORLEANS COUNTY

RUTLAND COUNTY

WASHINGTON COUNTY

WINDHAM COUNTY

WINDSOR COUNTY

S T A T E : VIRGINIA

CHARLOTTESVILLE, VA MSA.....

COUNTY(IES): ALBEMARLE, FLUVANNA, GREENE, CHARLOTTESVI

DANVILLE, VA MSA.....

COUNTY(IES): PITTSYLVANIA, DANVILLE

JOHNSON CITY-KINGSPOUR-BRISTOL, TN-VA MSA.....

COUNTY(IES): SCOTT, WASHINGTON, BRISTOL

LYNCHBURG, VA MSA.....

COUNTY(IES): AMHERST, CAMPBELL, LYNCHBURG

NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA MSA.....

COUNTY(IES): GLOUCESTER, JAMES CITY, YORK, CHESAPEAKE, HAMPTON

NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK

VIRGINIA BEA, WILLIAMSBURG

RICHMOND-PETERSBURG, VA MSA.....

COUNTY(IES): CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND

HANOVER, HENRICO, NEW KENT, POWHATAN, PRINCEGEORGE

COLONIAL HEI, HOPEWELL, PETERSBURG, RICHMOND

ROANOKE, VA MSA.....

COUNTY(IES): BOTETOURT, ROANOKE, ROANOKE, SALEM

WASHINGTON, DC-MD-VA MSA.....

COUNTY(IES): ARLINGTON, FAIRFAX, LOUDOUN, PRINCEWILLIA, STAFFORD

ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS

MANASSAS PRK

NONMETROPOLITAN COUNTIES

ACCOMACK 254 305 355 438 490 ALLEGHANY

O BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
325	394	464	579	649
330	405	475	592	667
335	416	486	603	678
340	427	497	614	689
345	438	508	625	700
350	449	519	636	711
355	460	530	647	722
360	471	541	658	733
365	482	552	669	744
370	493	563	680	755
375	504	574	691	766
380	515	585	702	777
385	526	596	713	788
390	537	607	724	799
395	548	618	735	810
400	559	629	746	821
405	570	640	757	832
410	581	651	768	843
415	592	662	779	854
420	603	673	790	865
425	614	684	801	876
430	625	695	812	887
435	636	706	823	898
440	647	717	834	909
445	658	728	845	920
450	669	739	856	931
455	680	750	867	942
460	691	761	878	953
465	702	772	889	964
470	713	783	900	975
475	724	794	911	986
480	735	805	922	997
485	746	816	933	1008
490	757	827	944	1019
495	768	838	955	1030
500	779	849	966	1041
505	790	860	977	1052
510	801	871	988	1063
515	812	882	999	1074
520	823	893	1010	1085
525	834	904	1021	1096
530	845	915	1032	1107
535	856	926	1043	1118
540	867	937	1054	1129
545	878	948	1065	1140
550	889	959	1076	1151
555	900	970	1087	1162
560	911	981	1098	1173
565	922	992	1109	1184
570	933	1003	1120	1195
575	944	1014	1131	1206
580	955	1025	1142	1217
585	966	1036	1153	1228
590	977	1047	1164	1239
595	988	1058	1175	1250
600	999	1069	1186	1261
605	1010	1080	1197	1272
610	1021	1091	1208	1283
615	1032	1102	1219	1294
620	1043	1113	1230	1305
625	1054	1124	1241	1316
630	1065	1135	1252	1327
635	1076	1146	1263	1338
640	1087	1157	1274	1349
645	1098	1168	1285	1360
650	1109	1179	1296	1371
655	1120	1190	1307	1382
660	1131	1201	1318	1393
665	1142	1212	1329	1404
670	1153	1223	1340	1415
675	1164	1234	1351	1426
680	1175	1245	1362	1437
685	1186	1256	1373	1448
690	1197	1267	1384	1459
695	1208	1278	1395	1470
700	1219	1289	1406	1481
705	1230	1300	1417	1492
710	1241	1311	1428	1503
715	1252	1322	1439	1514
720	1263	1333	1450	1525
725	1274	1344	1461	1536
730	1285	1355	1472	1547
735	1296	1366	1483	1558
740	1307	1377	1494	1569
745	1318	1388	1505	1580
750	1329	1399	1516	1591
755	1340	1410	1527	1602
760	1351	1421	1538	1613
765	1362	1432	1549	1624
770	1373	1443	1560	1635
775	1384	1454	1571	1646
780	1395	1465	1582	1657
785	1406	1476	1593	1668
790	1417	1487	1604	1679
795	1428	1498	1615	1690
800	1439	1509	1626	1701
805	1450	1520	1637	1712
810	1461	1531	1648	1723
815	1472	1542	1659	1734
820	1483	1553	1670	1745
825	1494	1564	1681	1756
830	1505	1575	1692	1767
835	1516	1586	1703	1778
840	1527	1597	1714	1789
845	1538	1608	1725	1800
850	1549	1619	1736	1811
855	1560	1630	1747	1822
860	1571	1641	1758	1833
865	1582	1652	1769	1844
870	1593	1663	1780	1855
875	1604	1674	1791	1866
880	1615	1685	1802	1877
885	1626	1696	1813	1888
890	1637	1707	1824	1899
895	1648	1718	1835	1910
900	1659	1729	1846	1921
905	1670	1740	1857	1932
910	1681	1751	1868	1943
915	1692	1762	1879	1954
920	1703	1773	1890	1965
925	1714	1784	1901	1976
930	1725	1795	1912	1987
935	1736	1806	1923	1998
940	1747	1817	1934	2009
945	1758	1828	1945	2020
950	1769	1839	1956	2031
955	1780	1850	1967	2042
960	1791	1861	1978	2053
965	1802	1872	1989	2064
970	1813	1883	2000	2075
975	1824	1894	2011	2086
980	1835	1905	2022	2097
985	1846	1916	2033	2108
990	1857	1927	2044	2119
995	1868	1938	2055	2130
1000	1879	1949	2066	2141

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
335	408	479	600	671
257	311	366	458	513
242	294	346	433	485
276	343	395	482	553
335	405	475	595	665
306	368	430	539	604
269	327	384	481	539
470	570	671	838	939

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
268	326	383	479	537

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E : VIRGINIA

031688

NONMETROPOLITAN COUNTIES

	O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	APPOMATTOX	O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AMELIA	222	269	316	397	445	453	APOMATTOX	271	326	381	477	534	
AUGUSTA	268	326	383	479	537	539	BATH	268	326	383	479	537	
BEDFORD	231	281	332	414	464	420	BLAND	228	274	323	405	453	
BRUNSWICK	210	255	299	375	420	445	BUCHANAN	257	311	366	453	514	
BUCKINGHAM	222	269	316	397	445	453	CAROLINE	316	385	453	565	635	
CARROLL	226	274	323	405	453	459	CHARLOTTE	222	269	316	397	445	
CLARKE	269	327	384	481	539	559	CRAIG	210	293	374	419	453	
CULPEPER	279	339	400	499	559	537	CUMBERLAND	222	269	316	397	445	
DICKENSON	239	278	329	411	460	420	ESSEX	243	297	350	437	490	
FAUQUIER	279	339	400	499	559	420	FLOYD	267	325	381	477	534	
FRANKLIN	231	281	332	414	464	420	FREDERICK	269	327	384	481	539	
GILES	267	325	381	477	534	420	GRAYSON	226	274	323	405	453	
GREENSVILLE	210	255	299	375	420	420	HALIFAX	222	269	316	397	445	
HENRY	269	327	384	480	538	420	HIGHLAND	268	326	383	479	537	
ISLE OFWIGHT	217	264	306	383	420	420	KING + QUEEN	243	297	350	437	490	
KING GEORGE	316	385	453	565	635	635	KING WILLIAM	243	297	350	437	490	
LANCASTER	243	297	350	437	490	490	LEE	229	278	329	411	460	
LOUISA	283	342	400	499	559	559	LUNENBURG	222	269	316	397	445	
MADISON	283	342	400	499	559	420	MATHEWS	243	297	350	437	490	
MECKLENBURG	210	255	299	375	420	420	MIDDLESEX	243	297	350	437	490	
MONTGOMERY	326	395	464	583	651	651	NELSON	235	285	336	420	471	
NORTHAMPTON	254	305	355	438	490	490	NORTHUMBERLD	243	297	350	437	490	
NOTTOWAY	222	269	316	397	445	445	ORANGE	283	342	400	499	559	
PAGE	269	327	384	481	539	539	PATRICK	231	281	332	414	464	
PRINCEEDWARD	222	269	316	397	445	445	PULASKI	267	325	381	477	534	
RAPPAHANNOCK	279	339	400	499	559	559	RICHMOND	243	297	350	437	490	
ROCKBRIDGE	268	326	383	479	537	537	ROCKINGHAM	268	326	383	479	537	
RUSSELL	257	311	366	458	514	514	SHENANDOAH	269	327	384	481	539	
SMYTH	226	274	323	405	453	453	SOUTHAMPTON	217	264	306	383	420	
SPOTSLYVANIA	316	385	453	565	635	635	SURRY	217	264	306	383	420	
SUSSEX	210	255	299	375	420	420	TAEWELL	257	311	366	458	514	
WARREN	269	327	384	481	539	539	WESTMORELAND	243	297	350	437	490	
WISE	259	312	368	460	516	516	WYTHE	245	298	346	428	478	
BEDFORD	231	281	332	414	464	464	BUENA VISTA	268	326	383	479	537	
CLIFTON FORG	268	326	383	479	537	537	COVINGTON	268	326	383	479	537	
EMPORIA	210	255	299	375	420	420	FRANKLIN	210	255	299	375	420	
FREDERICKSBUR	316	385	453	565	635	635	.GALAX	226	274	323	405	453	
HARRISONBURG	268	326	383	479	537	537	LEXINGTON	268	326	383	479	537	
MARTINSVILLE	269	327	384	480	538	538	NORTON	258	311	367	459	515	

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMRS FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMRS FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMRS, AND THE CALCULATION OF THE FMRS FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMRS, ETC.

031688

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: VIRGINIA

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES												
	0 BEDROOMS		1 BEDROOM		2 BEDROOMS		3 BEDROOMS		4 BEDROOMS			
RADFORD	326	395	464	583	651	SOUTH BOSTON		222	269	316	397	
STAUNTON	268	326	383	479	537	WAYNESBORO		268	326	383	479	
WINCHESTER	269	327	384	481	539							537

S T A T E: WASHINGTON

O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BELLINGHAM, WA MSA	342	418	491	627	690				
COUNTY(IES): WHATCOM									
BREMERTON, WA MSA	345	420	493	616	692				
COUNTY(IES): KITSAP									
OLYMPIA, WA MSA	357	433	510	638	715				
COUNTY(IES): THURSTON									
RICHLAND-KENNEWICK-PASCO, WA MSA	402	490	576	721	807				
COUNTY(IES): BENTON, FRANKLIN									
SEATTLE, WA PMSA	339	412	481	622	685				
COUNTY(IES): KING, SNOHOMISH									
SPOKANE, WA MSA	301	357	421	538	595				
COUNTY(IES): SPOKANE									
TACOMA, WA PMSA	292	355	417	543	606				
COUNTY(IES): PIERCE									
VANCOUVER, WA PMSA	264	321	420	555	615				
COUNTY(IES): CLARK									
YAKIMA, WA MSA	314	381	448	561	629				
COUNTY(IES): YAKIMA									

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES										
O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O BEDROOMS
ADAMS	256	311	364	457	512	ASOTIN	331	401	473	591
CHELAN	309	374	442	551	618	CLALLAM	333	404	476	595
COLUMBIA	331	401	473	591	663	COWLITZ	310	376	442	554
DOUGLAS	309	374	442	551	618	FERRY	256	311	364	457
GARFIELD	331	401	473	591	663	GRANT	256	311	364	457
GRAYS HARBOR	333	404	476	595	668	ISLAND	339	414	486	608
JEFFERSON	333	404	476	595	668	KITTITAS	282	341	403	505
KLIKITAT	310	376	442	554	622	LEWIS	310	376	442	554
LINCOLN	256	311	364	457	512	MASON	333	404	476	595
OKANOGAN	282	341	403	505	565	PACIFIC	333	404	476	595
PEND OREILLE	256	311	364	457	512	SAN JUAN	339	414	486	608
SKAGIT	339	414	486	608	680	SKAMANIA	310	376	442	554
STEVENS	256	311	364	457	512	WAHKIAKUM	310	376	442	554
WALLA WALLA	331	401	473	591	663	WHITMAN	331	401	473	591

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S T A T E: WEST VIRGINIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLESTON, WV MSA.....	347	421	496	620	695
COUNTY(IES): KANAWHA, PUTNAM					
CUMBERLAND, MD-WV MSA.....	262	312	365	451	504
COUNTY(IES): MINERAL					
HUNTINGTON-ASHLAND, WV-KY-OH MSA.....	286	347	409	512	575
COUNTY(IES): CABELL, WAYNE					
PARKERSBURG-MARIETTA, WV-OH MSA.....	268	325	383	481	537
COUNTY(IES): WOOD					
STEUBENVILLE-WEIRTON, OH-WV MSA.....	275	335	392	492	553
COUNTY(IES): BROOKE, HANCOCK					
WHEELING, WV-OH MSA.....	269	327	386	482	540
COUNTY(IES): MARSHALL, OHIO					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARBOUR	249	302	356	446	498
BOONE	248	300	354	442	495
CALHOUN	288	337	391	508	560
DODDRIDGE	242	296	349	435	488
GILMER	265	318	386	478	526
GREENBRIER	228	277	327	408	458
HARDY	238	291	342	428	479
JACKSON	288	337	391	508	560
LEWIS	249	302	356	446	498
LOGAN	239	291	342	428	479
MARION	294	357	420	526	588
MERCER	234	286	337	421	472
MONONGALIA	294	357	420	526	588
MORGAN	238	291	342	428	479
PENDLETON	238	291	342	428	479
POCAHONTAS	228	277	327	408	458
RALEIGH	239	288	337	421	472
RITCHIE	211	256	300	374	420
SUMMERS	239	288	337	421	472
TUCKER	249	302	356	446	498
UPSHUR	249	302	356	446	498
WETZEL	252	305	360	450	504
WYOMING	239	288	332	414	465
BERKELEY	238	291	342	428	479
BRAXTON	218	265	311	391	437
CLAY	248	300	354	442	495
FAYETTE	228	277	327	408	458
GRANT	238	291	342	428	479
HAMPSHIRE	238	291	342	428	479
HARRISON	288	337	391	508	560
JEFFERSON	238	291	342	428	479
LINCOLN	239	291	342	428	479
MCDOWELL	231	282	331	414	465
MASON	239	291	342	428	479
MINGO	239	291	342	428	479
MONROE	239	288	337	421	472
NICHOLAS	228	277	327	408	458
PLEASANTS	211	256	300	374	420
PRESTON	294	357	420	526	588
RANDOLPH	249	302	356	446	498
ROANE	288	337	391	508	560
TAYLOR	242	296	349	435	488
TYLER	211	256	300	374	420
WEBSTER	228	277	327	408	458
WIRT	211	256	300	374	420

S T A T E: WISCONSIN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLETON-OSHKOSH-NEENAH, WI MSA.....	268	326	385	481	538
COUNTY(IES): CALUMET, OUTAGAMIE, WINNEBAGO					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

031688

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

STATE: WISCONSIN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DULUTH, MN-WI MSA.....	296	352	415	520	583
COUNTY(IES): DOUGLAS.....					
EAU CLAIRE, WI MSA.....	265	324	382	476	534
COUNTY(IES): CHIPPEWA, EAU CLAIRE.....					
GREEN BAY, WI MSA.....	268	326	387	481	538
COUNTY(IES): BROWN.....					
JANESVILLE-BELOIT, WI MSA.....	296	361	425	531	595
COUNTY(IES): ROCK.....					
KENOSHA, WI MSA.....	322	393	461	578	646
COUNTY(IES): KENOSHA.....					
LA CROSSE, WI MSA.....	317	385	453	566	634
COUNTY(IES): LA CROSSE.....					
MADISON, WI MSA.....	317	387	461	559	644
COUNTY(IES): DANE.....					
MILWAUKEE, WI MSA.....	320	385	455	570	635
COUNTY(IES): MILWAUKEE, OZAUKEE, WASHINGTON, WAUKESHA.....					
MINNEAPOLIS-ST. PAUL, MN-WI MSA.....	367	445	528	660	737
COUNTY(IES): ST CROIX.....					
RACINE, WI MSA.....	301	366	431	539	604
COUNTY(IES): RACINE.....					
SHEBOYGAN, WI MSA.....	275	333	393	491	551
COUNTY(IES): SHEBOYGAN.....					
WAUSAU, WI MSA.....	268	326	385	481	538
COUNTY(IES): MARATHON.....					

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS.....	274	331	391	481	549
BARRON.....	260	317	372	466	523
BUFFALO.....	247	299	354	441	496
CLARK.....	260	317	372	466	523
CRAWFORD.....	235	287	336	422	472
DOOR.....	246	296	349	430	481
FLORENCE.....	235	287	336	422	472
FOREST.....	255	310	364	457	510
GREEN.....	255	310	362	450	499
IOWA.....	246	298	352	439	493
JACKSON.....	247	299	354	441	496
JUNEAU.....	274	331	391	489	549
LAFAYETTE.....	246	298	352	439	493
LINCOLN.....	255	310	364	457	510
MARINETTE.....	240	289	338	424	472
MONROE.....	240	292	344	430	482
ONEIDA.....	247	299	354	441	496
PIERCE.....	247	299	354	441	496
ASHLAND.....	240	292	344	430	482
BAYFIELD.....	240	292	344	430	482
BURNETT.....	240	292	344	430	482
COLUMBIA.....	250	302	357	446	500
DODGE.....	250	302	357	446	500
DUNN.....	260	317	372	466	523
FOND DU LAC.....	294	355	403	502	549
GRANT.....	246	298	352	439	493
GREEN LAKE.....	268	326	385	481	538
IRON.....	240	292	344	430	482
JEFFERSON.....	286	347	408	510	573
KEWAUNEE.....	246	296	349	430	481
LANGLADE.....	255	310	354	457	510
MANITOWOC.....	246	296	349	430	481
MARQUETTE.....	240	292	344	430	482
MONROE.....	247	299	354	441	496
ONEIDA.....	255	310	364	457	510
PIERCE.....	247	299	354	441	496

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: WISCONSIN

NONMETROPOLITAN COUNTIES

O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
POLK	260	317	372	466	523	PORTAGE	274	331	391	489	549
PRICE	240	292	344	430	482	RICHLAND	246	298	352	439	493
RUSK	240	292	344	430	482	SAUK	240	292	344	430	482
SAWYER	240	292	344	430	482	SHAWANO	240	292	344	430	482
TAYLOR	240	292	344	430	482	TREMPEALEAU	247	299	354	441	496
VERNON	235	287	336	422	472	VILAS	255	310	364	457	510
WALWORTH	286	347	408	510	573	WASHBURN	240	292	344	430	482
WAUPACA	240	292	344	430	482	WAUSHARA	240	292	344	430	482
WOOD	274	331	391	489	549						

S T A T E: WYOMING

CASPER, WY MSA	394	480	563	705	790
COUNTY(IES): NATRONA					
CHEYENNE, WY MSA	326	394	467	586	654
COUNTY(IES): LARAMIE					

NONMETROPOLITAN COUNTIES

O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY	252	310	366	457	507	BIG HORN	259	315	372	462	518
CAMPBELL	252	310	366	457	507	CARBON	252	310	366	457	507
CONVERSE	252	310	366	457	507	CROOK	252	315	372	462	518
FREMONT	252	310	366	457	507	GOSHEN	252	310	366	457	507
HOT SPRINGS	259	315	372	462	518	JOHNSON	252	310	366	457	507
LINCOLN	252	310	366	457	507	NIOBRARA	252	310	366	457	507
PARK	259	315	372	462	518	PLATTE	252	310	366	457	507
SHERIDAN	349	427	502	626	705	SUBLETTE	252	310	366	457	507
SWEETWATER	252	310	366	457	507	TETON	332	399	472	592	665
UINTA	252	310	366	457	507	WASHAKIE	259	315	372	462	518
WESTON	259	315	372	462	518						

S T A T E: GUAM

NONMETROPOLITAN COUNTIES

O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	O	BEDROOMS 1	BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GUAM	411	494	584	730	821						

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

031688

S T A T E: PUERTO RICO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AGUADILLA, PR MSA.....	225	275	325	405	455
ARECIBO, PR MSA.....	330	400	470	590	660
CAGUAS, PR PMSA.....	275	330	390	490	545
MAYAGUEZ, PR MSA.....	225	275	325	405	455
PONCE, PR MSA.....	320	390	450	575	645
SAN JUAN, PR PMSA.....	320	390	460	575	645

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALL OTHER	215	265	310	390	435

S T A T E: VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
-CHAR. AMALIE	355	435	510	640	715

ST. CROIX

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
	300	365	430	540	600

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: ALABAMA	67	77
MSA: ANNISTON, AL		
MSA: BIRMINGHAM, AL	70	78
MSA: COLUMBUS, GA-AL	99	109
MSA: DOTHAN, AL	90	99
MSA: FLORENCE, AL	65	74
MSA: GADSDEN, AL	78	84
MSA: HUNTSVILLE, AL	70	78
MSA: MOBILE, AL	99	109
MSA: MONTGOMERY, AL	79	85
MSA: TUSCALOOSA, AL	79	84
MSA: TUSCALOOSA, AL	92	105
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
NON METRO STATE: ALASKA	173	173
MSA: ANCHORAGE, AK	192	192
EXCEPTION COUNTY: KETCHIKAN	173	183
NON METRO STATE: ARIZONA	96	122
MSA: PHOENIX, AZ	134	159
MSA: TUCSON, AZ	96	134
NON METRO STATE: ARKANSAS	38	42
MSA: FAYETTEVILLE-SPRINGDALE, AR	62	66
MSA: FORT SMITH, AR-OK	35	38
MSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	53	55
MSA: MEMPHIS, TN-AR-MS	91	91
MSA: PINE BLUFF, AR	28	30
MSA: TEXARKANA, TX-TEXARKANA, AR	108	121
EXCEPTION COUNTY: BENION	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NON METRO STATE: CALIFORNIA	150	197
PMSA: ANAHEIM-SANTA ANA, CA	357	357
MSA: BAKERSFIELD, CA	141	215
MSA: CHICO, CA	150	197
MSA: FRESNO, CA	215	242
PMSA: LOS ANGELES-LONG BEACH, CA	174	291
MSA: MERCED, CA	150	197
MSA: MODESTO, CA	224	242
PMSA: OAKLAND, CA	246	321

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: OXNARD-VENTURA, CA	223	336
MSA: REDDING, CA	150	197
PMSA: RIVERSIDE-SAN BERNARDINO, CA	147	242
MSA: SACRAMENTO, CA	173	206
MSA: SALINAS-SEASIDE-MONTEREY, CA	215	270
MSA: SAN DIEGO, CA	259	283
PMSA: SAN FRANCISCO, CA	263	343
PMSA: SAN JOSE, CA	313	365
MSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	177	270
PMSA: SANTA CRUZ, CA	229	286
PMSA: SANTA ROSA-PETALUMA, CA	229	275
MSA: STOCKTON, CA	224	242
PMSA: VALLEJO-FAIRFIELD-NAPA, CA	238	272
MSA: VISALIA-TULARE-PORTERVILLE, CA	150	197
MSA: YUBA,CITY, CA	150	197
EXCEPTION COUNTY: SAN LUIS OBI	205	242
NON METRO STATE: COLORADO	N/A	N/A
PMSA: BOULDER-LONGMONT, CO	222	243
MSA: COLORADO SPRINGS, CO	141	159
PMSA: DENVER, CO	253	273
MSA: FORT COLLINS-LOVELAND, CO	134	150
MSA: GREELEY, CO	134	150
MSA: PUEBLO, CO	134	150
EXCEPTION COUNTY: ALAMOSA	112	134
EXCEPTION COUNTY: ARCHULETA	134	150
EXCEPTION COUNTY: BACA	112	134
EXCEPTION COUNTY: BENT	112	134
EXCEPTION COUNTY: CHAFFEE	134	150
EXCEPTION COUNTY: CHEYENNE	112	134
EXCEPTION COUNTY: CLEAR CREEK	134	150
EXCEPTION COUNTY: CONEJOS	112	134
EXCEPTION COUNTY: COSTILLA	112	134
EXCEPTION COUNTY: CROWLEY	112	134
EXCEPTION COUNTY: CUSTER	134	150
EXCEPTION COUNTY: DELTA	134	150
EXCEPTION COUNTY: DELORES	134	150
EXCEPTION COUNTY: EAGLE	216	242
EXCEPTION COUNTY: ELBERT	112	134
EXCEPTION COUNTY: FREMONT	134	150
EXCEPTION COUNTY: GARFIELD	216	242
EXCEPTION COUNTY: GILPIN	164	189
EXCEPTION COUNTY: GRAND	134	150
EXCEPTION COUNTY: GUNNISON	134	150
EXCEPTION COUNTY: HINSDALE	134	150

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: HUERFANO	112	134
EXCEPTION COUNTY: JACKSON	134	150
EXCEPTION COUNTY: KIOWA	112	134
EXCEPTION COUNTY: KIT CARSON	112	134
EXCEPTION COUNTY: LAKE	134	150
EXCEPTION COUNTY: LA PLATA	134	150
EXCEPTION COUNTY: LAS ANIMAS	112	134
EXCEPTION COUNTY: LINCOLN	112	134
EXCEPTION COUNTY: LOGAN	112	134
EXCEPTION COUNTY: MESA	134	150
EXCEPTION COUNTY: MINERAL	112	134
EXCEPTION COUNTY: MOFFAT	216	242
EXCEPTION COUNTY: MONTEZUMA	134	150
EXCEPTION COUNTY: MONTEZUMA	134	150
EXCEPTION COUNTY: MORGAN	112	134
EXCEPTION COUNTY: OTERO	112	134
EXCEPTION COUNTY: OURAY	134	150
EXCEPTION COUNTY: PARK	134	150
EXCEPTION COUNTY: PHILLIPS	112	134
EXCEPTION COUNTY: PITKIN	216	242
EXCEPTION COUNTY: PROWERS	112	134
EXCEPTION COUNTY: RIO BLANCO	216	242
EXCEPTION COUNTY: RIO GRANDE	112	134
EXCEPTION COUNTY: ROUTT	216	242
EXCEPTION COUNTY: SAGUACHE	112	134
EXCEPTION COUNTY: SAN JUAN	134	150
EXCEPTION COUNTY: SAN MIGUEL	134	150
EXCEPTION COUNTY: SEDGWICK	112	134
EXCEPTION COUNTY: SUMMIT	216	242
EXCEPTION COUNTY: TELLER	112	134
EXCEPTION COUNTY: WASHINGTON	112	134
EXCEPTION COUNTY: YUMA	112	134
NON METRO STATE: CONNECTICUT	143	143
PMSA: BRIDGEPORT-MILFORD, CT	186	186
PMSA: BRISTOL, CT	143	143
PMSA: DANBURY, CT	142	142
PMSA: HARTFORD, CT	156	156
PMSA: MIDDLETOWN, CT	156	156
PMSA: NEW BRITAIN, CT	156	156
MSA: NEW HAVEN-MERIDEN, CT	140	140
MSA: NEW LONDON-NORWICH, CT-RI	133	133
PMSA: NORWALK, CT	175	175
PMSA: STAMFORD, CT	175	175
MSA: WATERBURY, CT	143	143

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D-- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM), 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: DELAWARE	68	68
PMSA: WILMINGTON, DE-NJ-MD	128	128
NON METRO STATE: DIST. OF COLUMBIA	N/A	N/A
MSA: WASHINGTON, DC-MD-VA	172	172
NON METRO STATE: FLORIDA	84	84
MSA: BRADENTON, FL	121	121
MSA: DAYTONA BEACH, FL	108	108
PMSA: FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL	173	173
MSA: FORT MYERS-CAPE CORAL, FL	113	113
MSA: FORT PIERCE, FL	82	82
MSA: FORT WALTON BEACH, FL	84	84
MSA: GAINESVILLE, FL	84	84
MSA: JACKSONVILLE, FL	78	91
MSA: LAKELAND-WINTER HAVEN, FL	84	84
MSA: MELBOURNE-TITUSVILLE-PALM BAY, FL	99	99
PMSA: MIAMI-HIALEAH, FL	137	137
MSA: NAPLES, FL	84	84
MSA: OCALA, FL	84	84
MSA: ORLANDO, FL	99	99
MSA: PANAMA CITY, FL	84	84
MSA: PENSACOLA, FL	84	84
MSA: SARASOTA, FL	113	113
MSA: TALLAHASSEE, FL	78	78
MSA: TAMPA-ST. PETERSBURG-CLEARWATER, FL	113	113
MSA: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL	143	143
EXCEPTION COUNTY: BAKER	76	89
EXCEPTION COUNTY: COLUMBIA	84	84
EXCEPTION COUNTY: WAKULLA	76	89
NON METRO STATE: GEORGIA	61	61
MSA: ALBANY, GA	54	57
MSA: ATHENS, GA	61	61
MSA: ATLANTA, GA	98	105
MSA: AUGUSTA, GA-SC	82	84
MSA: CHATTANOOGA, TN-GA	54	78
MSA: COLUMBUS, GA-AL	90	99
MSA: MACON-WARNER ROBINS, GA	55	60
MSA: SAVANNAH, GA	68	78
EXCEPTION COUNTY: BRYAN	61	64
EXCEPTION COUNTY: TWIGGS	54	59

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: HAWAII	N/A	N/A
MSA: HONOLULU, HI	N/A	N/A
NON METRO STATE: IDAHO	112	112
MSA: BOISE CITY, ID	120	140
NON METRO STATE: ILLINOIS	106	114
PMSA: AURORA-ELGIN, IL	207	223
MSA: BLOOMINGTON-NORMAL, IL	119	119
MSA: CHAMPAIGN-URBANA-RANTOUL, IL	97	97
PMSA: CHICAGO, IL	219	234
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	131	137
MSA: DECATUR, IL	131	131
PMSA: JOLIET, IL	219	234
MSA: KANKAKEE, IL	95	95
PMSA: LAKE COUNTY, IL	207	223
MSA: PEORIA, IL	177	194
MSA: ROCKFORD, IL	174	185
MSA: ST. LOUIS, MO-IL	99	115
MSA: SPRINGFIELD, IL	114	121
NON METRO STATE: INDIANA	58	76
MSA: ANDERSON, IN	65	65
MSA: BLOOMINGTON, IN	61	61
PMSA: CINCINNATI, OH-KY-IN	114	119
MSA: ELKHART-GOSHEN, IN	84	84
MSA: EVANSVILLE, IN-KY	77	82
MSA: FORT WAYNE, IN	72	97
PMSA: GARY-HAMMOND, IN	106	122
MSA: INDIANAPOLIS, IN	91	104
MSA: KOKOMO, IN	84	96
MSA: LAFAYETTE-WEST LAFAYETTE, IN	78	115
MSA: LOUISVILLE, KY-IN	82	90
MSA: MUNCIE, IN	62	70
MSA: SOUTH BEND-MISHAWAKA, IN	96	101
MSA: TERRE HAUTE, IN	61	76
EXCEPTION COUNTY: ADAMS	58	76
EXCEPTION COUNTY: BLACKFORD	66	76
EXCEPTION COUNTY: GIBSON	60	76
EXCEPTION COUNTY: GRANT	66	76
EXCEPTION COUNTY: HENRY	66	76
EXCEPTION COUNTY: JAY	66	76

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: MARSHALL	74	78
EXCEPTION COUNTY: RANDOLPH	66	76
EXCEPTION COUNTY: SULLIVAN	59	71
EXCEPTION COUNTY: VERMILLION	59	71
EXCEPTION COUNTY: WAYNE	66	76
EXCEPTION COUNTY: WELLS	58	76
NON METRO STATE: IOWA	91	98
MSA: CEDAR RAPIDS, IA	104	121
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	131	137
MSA: DES MOINES, IA	112	119
MSA: DUBUQUE, IA	104	129
MSA: IOWA CITY, IA	104	119
MSA: OMAHA, NE-IA	98	114
MSA: SIOUX CITY, IA-NE	101	101
MSA: WATERLOO-CEDAR FALLS, IA	104	121
NON METRO STATE: KANSAS	80	91
MSA: KANSAS CITY, MO-KS	97	119
MSA: LAWRENCE, KS	82	94
MSA: TOPEKA, KS	80	91
MSA: WICHITA, KS	94	100
EXCEPTION COUNTY: JEFFERSON	77	88
EXCEPTION COUNTY: OSAGE	77	88
NON METRO STATE: KENTUCKY	74	81
PMSA: CINCINNATI, OH-KY-IN	114	119
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	78	84
MSA: EVANSVILLE, IN-KY	74	80
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	84	84
MSA: LEXINGTON-FAYETTE, KY	92	106
MSA: LOUISVILLE, KY-IN	80	87
MSA: OWENSBORO, KY	85	102
NON METRO STATE: LOUISIANA	79	92
MSA: ALEXANDRIA, LA	78	91
MSA: BATON ROUGE, LA	91	108
MSA: HOUMA-THIBODAUX, LA	77	90
MSA: LAFAYETTE, LA	84	99
MSA: LAKE CHARLES, LA	90	106
MSA: MONROE, LA	78	91
MSA: NEW ORLEANS, LA	96	111

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES. (SECTION 8 EXISTING HOUSING PROGRAM) 040583

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: SHREVEPORT, LA	84	99
EXCEPTION COUNTY: GRANT	76	89
EXCEPTION COUNTY: WEBSTER	79	92
NON METRO STATE: MAINE	127	146
MSA: BANGOR, ME	127	146
MSA: LEWISTON-AUBURN, ME	97	97
MSA: PORTLAND, ME	158	180
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	127	146
NON METRO STATE: MARYLAND	122	122
MSA: BALTIMORE, MD	187	187
MSA: CUMBERLAND, MD-WV	122	122
MSA: HAGERSTOWN, MD	154	154
MSA: WASHINGTON, DC-MD-VA	172	172
PMSA: WILMINGTON, DE-NJ-MD	128	128
EXCEPTION COUNTY: ST MARYS	167	167
NON METRO STATE: MASSACHUSETTS	156	156
PMSA: BOSTON, MA	149	161
PMSA: BROCKTON, MA	149	149
PMSA: FALL RIVER, MA-RI	97	97
MSA: FITCHBURG-LEOMINSTER, MA	116	116
PMSA: LAWRENCE-HAVERHILL, MA-NH	141	151
PMSA: LOWELL, MA-NH	141	151
MSA: NEW BEDFORD, MA	134	134
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	133	133
MSA: PITTSFIELD, MA	144	144
PMSA: SALEM-GLOUCESTER, MA	149	161
MSA: SPRINGFIELD, MA	114	114
MSA: WORCESTER, MA	100	100
NON METRO STATE: MICHIGAN	114	127
PMSA: ANN ARBOR, MI	164	178
MSA: BATTLE CREEK, MI	98	114
PMSA: BENTON HARBOR, MI	114	127
PMSA: DETROIT, MI	161	172
MSA: FLINT, MI	139	139
MSA: GRAND RAPIDS, MI	104	113
MSA: JACKSON, MI	114	114
MSA: KALAMAZOO, MI	120	123
MSA: LANSING-EAST LANSING, MI	134	155

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: MUSKEGON, MI	104	106
MSA: SAGINAW-BAY CITY-MIDLAND, MI	121	121
EXCEPTION COUNTY: BARRY	94	109
EXCEPTION COUNTY: IONIA	114	127
EXCEPTION COUNTY: OCEANA	100	102
EXCEPTION COUNTY: SHIAWASSEE	133	133
EXCEPTION COUNTY: VAN BUREN	114	118
NON METRO STATE: MINNESOTA	82	82
MSA: DULUTH, MN-WI	84	95
MSA: FARGO-MOORHEAD, ND-MN	128	145
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	164	164
MSA: ROCHESTER, MN	118	118
MSA: ST. CLOUD, MN	104	104
EXCEPTION COUNTY: POLK	125	142
NON METRO STATE: MISSISSIPPI	79	92
MSA: BILOXI-GULFPORT, MS	91	108
MSA: JACKSON, MS	99	121
MSA: MEMPHIS, TN-AR-MS	91	91
MSA: PASCAGOULA, MS	78	91
EXCEPTION COUNTY: STONE	79	92
NON METRO STATE: MISSOURI	64	71
MSA: COLUMBIA, MO	91	98
MSA: JOPLIN, MO	64	71
MSA: KANSAS CITY, MO-KS	97	119
MSA: ST. JOSEPH, MO	94	101
MSA: ST. LOUIS, MO-IL	99	115
MSA: SPRINGFIELD, MO	66	72
EXCEPTION COUNTY: ANDREW	89	96
NON METRO STATE: MONTANA	N/A	N/A
MSA: BILLINGS, MT	167	186
MSA: GREAT FALLS, MT	141	159
EXCEPTION COUNTY: BEAVERHEAD	134	150
EXCEPTION COUNTY: BIG HORN	134	150
EXCEPTION COUNTY: BLAINE	96	112
EXCEPTION COUNTY: BROADWATER	134	150
EXCEPTION COUNTY: CARBON	134	150
EXCEPTION COUNTY: CARTER	96	112
EXCEPTION COUNTY: CHOUTEAU	96	112

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: CUSTER	134	150
EXCEPTION COUNTY: DANIELS	96	112
EXCEPTION COUNTY: DAWSON	134	150
EXCEPTION COUNTY: DEER LODGE	134	150
EXCEPTION COUNTY: FALLON	96	112
EXCEPTION COUNTY: FERGUS	96	112
EXCEPTION COUNTY: FLATHEAD	134	150
EXCEPTION COUNTY: GALLATIN	134	150
EXCEPTION COUNTY: GARFIELD	96	112
EXCEPTION COUNTY: GLACIER	96	112
EXCEPTION COUNTY: GOLDEN VALLE	96	112
EXCEPTION COUNTY: GRANITE	134	150
EXCEPTION COUNTY: HILL	96	112
EXCEPTION COUNTY: JEFFERSON	134	150
EXCEPTION COUNTY: JUDITH BASIN	96	112
EXCEPTION COUNTY: LAKE	134	150
EXCEPTION COUNTY: LEWIS+ CLARK	134	150
EXCEPTION COUNTY: LIBERTY	96	112
EXCEPTION COUNTY: LINCOLN	134	150
EXCEPTION COUNTY: MCCONE	96	112
EXCEPTION COUNTY: MADISON	134	150
EXCEPTION COUNTY: MEAGHER	134	150
EXCEPTION COUNTY: MINERAL	134	150
EXCEPTION COUNTY: MISSOULA	134	150
EXCEPTION COUNTY: MUSSELSHELL	134	150
EXCEPTION COUNTY: PARK	96	112
EXCEPTION COUNTY: PETROLEUM	96	112
EXCEPTION COUNTY: PHILLIPS	96	112
EXCEPTION COUNTY: PONDERA	96	112
EXCEPTION COUNTY: POWDER RIVER	134	150
EXCEPTION COUNTY: POWELL	134	150
EXCEPTION COUNTY: PRAIRIE	96	112
EXCEPTION COUNTY: RAVALLI	134	150
EXCEPTION COUNTY: RICHLAND	96	112
EXCEPTION COUNTY: ROOSEVELT	96	112
EXCEPTION COUNTY: ROSEBUD	134	150
EXCEPTION COUNTY: SANDERS	134	150
EXCEPTION COUNTY: SHERIDAN	96	112
EXCEPTION COUNTY: SILVER BOW	134	150
EXCEPTION COUNTY: STILLWATER	96	112
EXCEPTION COUNTY: SWEET GRASS	96	112
EXCEPTION COUNTY: TETON	96	112
EXCEPTION COUNTY: TOOLE	96	112
EXCEPTION COUNTY: TREASURE	134	150
EXCEPTION COUNTY: VALLEY	96	112
EXCEPTION COUNTY: WHEATLAND	96	112

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE SPACE	DOUBLE SPACE
EXCEPTION COUNTY: WIBAUX	96	112
EXCEPTION COUNTY: YL-ST-NT-PK	134	150
NON METRO STATE: NEBRASKA	83	102
MSA: LINCOLN, NE	113	119
MSA: OMAHA, NE-IA	98	114
MSA: SIOUX CITY, IA-NE	101	101
NON METRO STATE: NEVADA	106	122
MSA: LAS VEGAS, NV	224	250
MSA: RENO, NV	224	250
NON METRO STATE: NEW HAMPSHIRE	115	127
PMSA: LAWRENCE-HAVERHILL, MA-NH	141	151
PMSA: LOWELL, MA-NH	141	151
MSA: MANCHESTER, NH	131	143
PMSA: NASHUA, NH	161	161
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	127	145
NON METRO STATE: NEW JERSEY	118	118
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	116	116
MSA: ATLANTIC CITY, NJ	181	181
PMSA: BERGEN-PASSAIC, NJ	246	247
PMSA: JERSEY CITY, NJ	239	239
PMSA: MIDDLESEX-SOMERSET-HUNTERDON, NJ	280	280
PMSA: MONMOUTH-OCEAN, NJ	215	259
PMSA: NEWARK, NJ	231	239
PMSA: PHILADELPHIA, PA-NJ	201	201
PMSA: TRENTON, NJ	177	177
PMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	156	156
PMSA: WILMINGTON, DE-NJ-MD	128	128
NON METRO STATE: NEW MEXICO	100	115
MSA: LAS CRUCES, NM	100	115
MSA: ALBUQUERQUE, NM	112	130
MSA: SANTA FE, NM	100	115
EXCEPTION COUNTY: SANDOVAL	106	120
NON METRO STATE: NEW YORK	137	137
MSA: ALBANY-SCHENECTADY-TROY, NY	171	171

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: BINGHAMTON, NY	102	102
PMSA: BUFFALO, NY	123	123
MSA: ELMIRA, NY	110	110
MSA: GLENS FALLS, NY	137	137
PMSA: NASSAU-SUFFOLK, NY	188	243
PMSA: NEW YORK, NY	195	195
PMSA: NIAGARA FALLS, NY	118	118
PMSA: ORANGE COUNTY, NY	135	135
MSA: Poughkeepsie, NY	177	177
MSA: ROCHESTER, NY	156	156
MSA: SYRACUSE, NY	127	127
MSA: UTICA-ROME, NY	116	116
EXCEPTION COUNTY: WESTCHESTER	231	231
NON METRO STATE: NORTH CAROLINA	55	68
MSA: ASHEVILLE, NC	78	91
MSA: BURLINGTON, NC	78	91
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	78	91
MSA: FAYETTEVILLE, NC	78	91
MSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	78	91
MSA: HICKORY, NC	55	68
MSA: JACKSONVILLE, NC	55	68
MSA: RALEIGH-DURHAM, NC	78	91
MSA: WILMINGTON, NC	78	91
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: MADISON	64	76
NON METRO STATE: NORTH DAKOTA	103	119
MSA: BISMARCK, ND	146	162
MSA: FARGO-MOORHEAD, ND-MN	129	145
MSA: GRAND FORKS, ND	112	138
NON METRO STATE: OHIO	75	75
PMSA: AKRON, OH	111	111
MSA: CANTON, OH	80	80
PMSA: CINCINNATI, OH-KY-IN	114	119
PMSA: CLEVELAND, OH	119	119
MSA: COLUMBUS, OH	104	121
MSA: DAYTON-SPRINGFIELD, OH	80	80
PMSA: HAMILTON-MIDDLETOWN, OH	92	95
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	87	87
MSA: LIMA, OH	104	104

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: LORAIN-ELYRIA, OH	127	127
MSA: MANSFIELD, OH	98	98
MSA: PARKERSBURG-MARIETTA, WV-OH	87	87
MSA: STEUBENVILLE-WEIRTON, OH-WV	78	78
MSA: TOLEDO, OH	131	177
MSA: WHEELING, WV-OH	80	80
MSA: YOUNGSTOWN-WARREN, OH	98	98
EXCEPTION COUNTY: CHAMPAIGN	75	78
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	75	75
EXCEPTION COUNTY: PUTNAM	81	81
EXCEPTION COUNTY: VAN WERT	81	81
NON METRO STATE: OKLAHOMA	76	82
MSA: ENID, OK	76	82
MSA: FORT SMITH, AR-OK	35	38
MSA: LAWTON, OK	77	84
MSA: OKLAHOMA CITY, OK	79	87
MSA: TULSA, OK	84	91
EXCEPTION COUNTY: LE FLORE	34	37
EXCEPTION COUNTY: MAYES	76	82
NON METRO STATE: OREGON	142	150
MSA: EUGENE-SPRINGFIELD, OR	167	172
MSA: MEDFORD, OR	142	150
PMSA: PORTLAND, OR	186	206
MSA: SALEM, OR	167	172
NON METRO STATE: PENNSYLVANIA	82	82
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	116	116
MSA: ALTOONA, PA	107	107
PMSA: BEAVER COUNTY, PA	90	90
MSA: ERIE, PA	107	107
MSA: HARRISBURG-LEBANON-CARLISLE, PA	121	121
MSA: JOHNSTOWN, PA	107	107
MSA: LANCASTER, PA	111	111
PMSA: PHILADELPHIA, PA-NJ	201	201
PMSA: PITTSBURGH, PA	93	93
MSA: READING, PA	111	111
MSA: SCRANTON--WILKES-BARRE, PA	98	98
MSA: SHARON, PA	82	82
MSA: STATE COLLEGE, PA	82	82
MSA: WILLIAMSPORT, PA	82	82

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE		DOUBLE WIDE SPACE	
MSA: YORK, PA	111		111	
EXCEPTION COUNTY: SUSQUEHANNA	82		82	
NON METRO STATE: RHODE ISLAND	127		127	
PMSA: FALL RIVER, MA-RI	97		97	
MSA: NEW LONDON-NORWICH, CT-RI	133		133	
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	133		133	
PMSA: PROVIDENCE, RI	133		133	
NON METRO STATE: SOUTH CAROLINA	61		61	
MSA: ANDERSON, SC	61		61	
MSA: AUGUSTA, GA-SC	82		84	
MSA: CHARLESTON, SC	78		78	
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	78		91	
MSA: COLUMBIA, SC	68		78	
MSA: FLORENCE, SC	61		61	
MSA: GREENVILLE-SPARTANBURG, SC	68		68	
NON METRO STATE: SOUTH DAKOTA	88		103	
MSA: RAPID CITY, SD	88		103	
MSA: SIOUX FALLS, SD	124		139	
NON METRO STATE: TENNESSEE	61		61	
MSA: CHATTANOOGA, TN-GA	54		78	
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	78		84	
MSA: JACKSON, TN	61		61	
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	84		84	
MSA: KNOXVILLE, TN	68		68	
MSA: MEMPHIS, TN-AR-MS	91		91	
MSA: NASHVILLE, TN	91		108	
NON METRO STATE: TEXAS	66		82	
NON METRO STATE: TEXAS	66		82	
MSA: ABILENE, TX	57		64	
MSA: AMARILLO, TX	106		111	
MSA: AUSTIN, TX	96		113	
MSA: BEAUMONT-PORT ARTHUR, TX	99		113	
PMSA: BRAZORIA, TX	104		122	
MSA: BROWNSVILLE-HARLINGEN, TX	78		91	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: BRYAN-COLLEGE STATION, TX	96	108
MSA: CORPUS CHRISTI, TX	82	108
PMSA: DALLAS, TX	82	104
MSA: EL PASO, TX	110	124
PMSA: FORT WORTH-ARLINGTON, TX	82	104
PMSA: GALVESTON-TEXAS CITY, TX	101	114
PMSA: HOUSTON, TX	108	126
MSA: KILLEEN-TEMPLE, TX	99	108
MSA: LAREDO, TX	68	84
MSA: LONGVIEW-MARSHALL, TX	91	105
MSA: LUBBOCK, TX	105	108
MSA: MC ALLEN-EDINBURG-MISSION, TX	90	108
MSA: MIDLAND, TX	108	113
MSA: ODESSA, TX	108	113
MSA: SAN ANGELO, TX	91	99
MSA: SAN ANTONIO, TX	78	91
MSA: SHERMAN-DENISON, TX	84	99
MSA: TEXARKANA, TX-TEXARKANA, AR	108	121
MSA: TYLER, TX	84	89
MSA: VICTORIA, TX	66	82
MSA: WACO, TX	87	99
MSA: WICHITA FALLS, TX	61	68
EXCEPTION COUNTY: CALLAHAN	56	62
EXCEPTION COUNTY: CLAY	60	66
EXCEPTION COUNTY: HOOD	70	88
EXCEPTION COUNTY: JONES	56	62
EXCEPTION COUNTY: WISE	70	88
NON METRO STATE: UTAH	N/A	N/A
MSA: PROVO-OREM, UT	134	150
MSA: SALT LAKE CITY-OGDEN, UT	150	167
EXCEPTION COUNTY: BEAVER	96	112
EXCEPTION COUNTY: BOX ELDER	96	112
EXCEPTION COUNTY: CACHE	96	112
EXCEPTION COUNTY: CARSON	134	150
EXCEPTION COUNTY: DAGGETT	96	112
EXCEPTION COUNTY: DUCHESNE	96	112
EXCEPTION COUNTY: EMERY	134	150
EXCEPTION COUNTY: GARFIELD	96	112
EXCEPTION COUNTY: GRAND	134	150
EXCEPTION COUNTY: IRON	96	112
EXCEPTION COUNTY: JUAB	96	112
EXCEPTION COUNTY: KANE	96	112
EXCEPTION COUNTY: MILLARD	96	112
EXCEPTION COUNTY: MORGAN	96	112

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: PIUTE	96	112
EXCEPTION COUNTY: RICH	96	112
EXCEPTION COUNTY: SAN JUAN	96	112
EXCEPTION COUNTY: SANPETE	96	112
EXCEPTION COUNTY: SEVIER	96	112
EXCEPTION COUNTY: SUMMIT	96	112
EXCEPTION COUNTY: TOOELE	108	120
EXCEPTION COUNTY: UTAH	134	150
EXCEPTION COUNTY: WASATCH	96	112
EXCEPTION COUNTY: WASHINGTON	96	112
EXCEPTION COUNTY: WAYNE	96	112
NON METRO STATE: VERMONT	119	138
MSA: BURLINGTON, VT		
EXCEPTION COUNTY: FRANKLIN	123	141
EXCEPTION COUNTY: ORANGE	123	141
EXCEPTION COUNTY: WASHINGTON	133	154
EXCEPTION COUNTY: WINDHAM	123	141
EXCEPTION COUNTY: WINDSOR	176	203
	189	217
NON METRO STATE: VIRGINIA	87	87
MSA: CHARLOTTESVILLE, VA		
MSA: DANVILLE, VA	87	87
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	87	87
MSA: LYNCHBURG, VA	84	84
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	78	78
MSA: RICHMOND-PETERSBURG, VA	123	123
MSA: ROANOKE, VA	121	121
MSA: WASHINGTON, DC-MD-VA	84	84
EXCEPTION COUNTY: APPOMATTOX	172	172
EXCEPTION COUNTY: CRAIG	76	76
	82	82
NON METRO STATE: WASHINGTON	122	142
MSA: BELLINGHAM, WA		
MSA: BREMERTON, WA	122	158
MSA: OLYMPIA, WA	122	158
MSA: RICHLAND-KENNEWICK-PASCO, WA	167	167
PMSA: SEATTLE, WA	154	217
MSA: SPOKANE, WA	134	150
PMSA: TACOMA, WA	138	163
PMSA: VANCOUVER, WA	173	191
MSA: YAKIMA, WA	134	141
NON METRO STATE: WEST VIRGINIA	84	84

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE		DOUBLE	
	WIDE SPACE		WIDE SPACE	
MSA: CHARLESTON, WV	91			91
MSA: CUMBERLAND, MD-WV	122			122
MSA: HUNTINGTON-ASHLAND, WV-KV-OH	84			84
MSA: PARKERSBURG-MARIETTA, WV-OH	84			84
MSA: STEUBENVILLE-WEIRTON, OH-WV	76			76
MSA: WHEELING, WV-OH	78			78
EXCEPTION COUNTY: WIRT	82			82
NON METRO STATE: WISCONSIN	91			98
MSA: APPLETON-OSHKOSH-NEENAH, WI	114			121
MSA: DULUTH, MN-WI	84			95
MSA: EAU CLAIRE, WI	106			115
MSA: GREEN BAY, WI	112			119
MSA: JANESVILLE-BELOIT, WI	112			119
PMSA: KENOSHA, WI	120			129
MSA: LA CROSSE, WI	101			110
MSA: MADISON, WI	158			176
PMSA: MILWAUKEE, WI	130			137
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	164			164
PMSA: RACINE, WI	122			129
MSA: SHEBOYGAN, WI	91			98
MSA: WAUSAU, WI	91			98
NON METRO STATE: WYOMING	N/A			N/A
MSA: CASPER, WY	224			242
MSA: CHEYENNE, WY	134			160
EXCEPTION COUNTY: ALBANY	134			160
EXCEPTION COUNTY: BIG HORN	134			160
EXCEPTION COUNTY: CAMPBELL	224			242
EXCEPTION COUNTY: CARBON	224			242
EXCEPTION COUNTY: CONVERSE	224			242
EXCEPTION COUNTY: CROOK	134			160
EXCEPTION COUNTY: FREMONT	224			242
EXCEPTION COUNTY: GOSHEN	134			160
EXCEPTION COUNTY: HOT SPRINGS	134			160
EXCEPTION COUNTY: JOHNSON	134			160
EXCEPTION COUNTY: LARAMIE	134			160
EXCEPTION COUNTY: LINCOLN	134			160
EXCEPTION COUNTY: PARK	134			160
EXCEPTION COUNTY: PLATTE	134			160
EXCEPTION COUNTY: SHERIDAN	224			242
EXCEPTION COUNTY: SUBLETTE	134			160
EXCEPTION COUNTY: SWEETWATER	224			242
EXCEPTION COUNTY: TETON	134			160

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 040588

	SINGLE		DOUBLE	
	WIDE SPACE		WIDE SPACE	
EXCEPTION COUNTY: UINTA	134		160	
EXCEPTION COUNTY: WASHAKIE	134		160	
EXCEPTION COUNTY: WESTON	134		160	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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14 CFR Parts 121 and 135

Wednesday
April 13, 1988

Part VIII

Department of Transportation

Federal Aviation Administration
14 CFR Parts 121 and 135
Smoking Aboard Aircraft; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 25590; Amdt. Nos. 121-196 and 135-25]

Smoking Aboard Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule requires the no smoking sign to be turned on at all times on scheduled airline flights, except for flights between the United States and other countries, which are scheduled to be 2 hours or less in duration. This rule carries out a ban on smoking on such flights mandated by Pub. L. 100-202. The rule also makes minor changes in other, related sections of Parts 121 and 135 which affect smoking aboard air carrier aircraft during flights not covered by a total ban. Smoking in lavatories is prohibited on all air carrier flights. By December 31, 1988, aircraft lavatories must have placards which notify passengers that tampering with smoke detectors is prohibited by Federal law. Finally, the required passenger briefing must include more detailed instructions on smoking, including all these changes and the new statutory ban on tampering with smoke alarms in aircraft lavatories.

DATES: *Effective Date:* April 23, 1988.

Comments By: May 31, 1988.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 25590, 800 Independence Avenue, SW., Washington, DC 20591. One may deliver comments in duplicate to FAA Rules Docket, Room 915G, 800 Independence Avenue, SW., Washington, DC. All comments must be marked "Docket No. 25590." Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

John Craig Weller, Operations Law Branch (AGC-220), Regulations and Enforcement Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-8756; Gary E. Davis, Project Development Branch (AFS-240), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-8094.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments and by commenting on the possible environmental, energy, federalism, or economic impact of this proposal. The comment should identify the regulatory docket or amendment number and be submitted in duplicate to the address above. All comments received, as well as a report summarizing any substantive contact with FAA personnel on this rulemaking, will be filed in the docket. The docket is available for public inspection both before and after the closing date for making comments.

The Administrator will consider any comment made on or before the closing date for comments. This final rule may be amended in light of comments received.

The FAA will acknowledge receipt of a comment if the commenter submits with the comment a pre-addressed, stamped postcard on which the following statement is made: "Comment to Docket No. 25590." When the comment is received, the postcard will be dated, time stamped, and returned to the commenter.

Availability of Final Rule

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center (APA-430), 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Requests should be identified by the docket number of this rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Smoking aboard air carrier aircraft has been regulated for some time for reasons of consumer protection, passenger comfort, and safety. Regulation of smoking for consumer protection and passenger comfort reasons has been based on the consumer protection provisions of section 404 of the Federal Aviation Act (Act) which requires air carriers to provide safe and adequate service. Section 404 is contained in Title IV of the Act, which regulates the economic and consumer protection aspects of air

transportation. The first such rules concerning smoking aboard air carrier aircraft were adopted by the Civil Aeronautics Board (CAB) in 1973 (ER-800, 38 FR 12207, May 10, 1973). Those rules required certificated air carriers to set aside nonsmoking seats on each of their flights and to offer nonsmoking seats, if available, to passengers. Subsequently, the CAB amended its smoking rules to require that all passengers who requested a nonsmoking seat be given one (as long as the passenger complied with the carrier's usual check-in requirements), even if that meant the nonsmoking section had to be expanded (ER-1245, 46 FR 45934, September 16, 1981).

In 1984, the CAB reexamined its smoking rules. It considered requiring a ban on smoking on all air carrier flights of 2 hours duration or less, but eventually decided not to adopt such a ban. It did, however, ban smoking entirely on air carrier aircraft with fewer than 30 passenger seats (except for on-demand air taxi operations) because of the less-effective cabin ventilation systems on these aircraft and because flights in these aircraft were typically of short duration. The CAB reasoned that the short duration of the flight would ensure that any burden on smokers was minimized, while providing nonsmokers with a smoke-free flight. At the same time, the CAB adopted a total ban on smoking while an aircraft was on the ground because it found that aircraft ventilation systems typically are less effective there (ER-1383, 49 FR 25408, June 20, 1984).

When the CAB ceased to exist at the end of 1984 because of airline economic deregulation, the remaining economic regulatory functions were transferred to the Office of the Secretary of Transportation (OST). The consumer protection and passenger comfort rules on smoking aboard air carrier aircraft continue to be administered by OST (14 CFR Part 252).

While OST regulates air carrier economic and consumer issues under Title IV of the Act, the Federal Aviation Administration (FAA) regulates the safety aspects of air carrier operations under the authority of Title VI of the Act. FAA rules for the operation of air carrier airplanes with more than 30 seats are contained in Part 121 of the Federal Aviation Regulations (FAR) (14 CFR Part 121). Rules for the operation of air carrier aircraft with 30 seats or less are contained in Part 135 of the FAR (14 CFR Part 135). Some additional certification rules for all air carriers are contained in Special Federal Aviation Regulation (SFAR) 38-2.

Currently, there are few FAA rules which regulate smoking on air carrier aircraft for safety reasons. Section 121.317 of the FAR requires that each airplane be equipped with no smoking signs that must be turned on for each takeoff and landing, and at any other time deemed necessary by the pilot in command. No one may smoke when these signs are turned on. As a matter of practice, most carriers turn these signs on before passenger boarding and usually leave them on until after takeoff, turn them on again when the airplane is on final approach for landing, and then leave them on until the passengers have deplaned. Section 121.571(a)(1) of the FAR also requires that passengers be briefed on smoking before takeoff.

Section 135.177(a)(3) requires that aircraft having more than 19 passenger seats be equipped with no smoking signs which must be turned on for each landing and takeoff, and any other time considered necessary by the pilot in command. There is no requirement that smaller aircraft have no smoking signs. However, § 135.117(a)(1) requires that passengers on all aircraft operated under Part 135 of the FAR be given a briefing on smoking before takeoff.

New Legislative Requirement

In December 1987, Congress enacted a number of changes to the Act. One of the actions was an amendment to section 404 of the Act which mandates a total ban on smoking "in the passenger cabin or lavatory on any scheduled airline flight in intrastate, interstate, or overseas air transportation, if such flight is scheduled for 2 hours or less in duration." (Section 404(d)(1)(A)). This ban takes effect on April 23, 1988, and lasts for a period of 2 years. Section 404(d)(1)(B) directs the Secretary of Transportation to issue any regulations necessary to carry out the ban.

At the same time, Congress also added section 404(d)(2) which provides for a civil penalty of up to \$2,000 for any passenger who tampers with, disables, or destroys a smoke detector in the lavatory of an air carrier aircraft. This provision took effect immediately and has no expiration date.

Currently, smoke detectors installed in aircraft lavatories are not required to be resistant to tampering. However, such a requirement might prevent or discourage attempts to tamper with or disable lavatory smoke detectors. The FAA solicits comments on whether it should consider such a requirement and on the associated costs and benefits.

As already mentioned, the current consumer protection rules regulating smoking on air carrier aircraft are contained in Part 252 of the economic

regulations administered by OST. These rules were adopted under the "safe and adequate service" provisions of section 404 of the Act. The new smoking ban adopted by Congress is also contained in section 404 of the Act. The Secretary of Transportation has decided that rules to carry out the new, congressionally-mandated ban on smoking aboard flights of 2 hours or less should be administered by the FAA instead of OST. This decision is based on the fact that the passenger information signs aboard aircraft, which tell passengers when they may not smoke, are required by the safety rules in the FAR. The times when these signs must be turned on are also prescribed by the FAR. Ensuring compliance with the signs is also the responsibility of the FAA. Since passengers are accustomed to these signs and to complying with them, it is logical to use them to notify passengers that smoking is prohibited on a particular flight. In addition, because the signs are already in place on most air carrier aircraft, using them to notify passengers of the smoking ban will entail no additional cost for the airlines. For aircraft which are not required to have signs, the safety briefing already required by the FAR can be used to inform passengers when the 2-hour ban will be in effect. Therefore, the Secretary has delegated the authority under section 404(d) of the Act, as amended by section 328(a) of the Department of Transportation and Related Agencies Appropriations Act of 1988, Pub. L. 100-202, to the Administrator of the FAA. (Amendment 1-223, 53 FR 10250, March 30, 1988).

Discussion of the Rule

"Scheduled Flights"

Neither Part 121 nor Part 135 contains a definition of "scheduled flight." The term "schedule operation" is defined in SFAR 38-2 (50 FR 23944, June 7, 1985) as:

Operations that are conducted in accordance with a published schedule for passenger operations which includes dates or times (or both) that is openly advertised or otherwise made readily available to the general public.

The FAA has determined that this definition of "schedule operation" should not be used to determine which flights operated by an air carrier should be included in the 2-hour smoking ban. Since the adoption of this definition in 1985, there have been complaints to the FAA and OST that it is too broad and includes flights which are legitimate "charter" flights. Many such flights are advertised in newspapers, flyers, and compilations of schedules with only dates of operation and cities served,

without specific departure and arrival times or flight numbers. Passengers who reserve seats on these flights are usually only given specific departure and arrival times shortly before the actual date of departure. The FAA has concluded that it would be impractical to apply the 2-hour smoking ban to these flights, and it also concludes that Congress did not intend for them to be included.

The Official Airline Guide (OAG) is widely regarded as an authoritative source of information on scheduled airline flights throughout the world. The FAA has determined that the North American Edition of this publication should be used to determine which flights are included in the 2-hour smoking ban. At present, the operations of all air carriers offering scheduled flights are listed in the OAG. While it is conceivable that a carrier might remove its flights from the OAG to escape the 2-hour ban, the FAA believes that competitive and marketing pressures make such defections unlikely. The FAA invites comment on this conclusion.

Duration of Covered Flights

Pub. L. 100-202 bans smoking on a scheduled airline flight that is "scheduled for 2 hours or less in duration," except a flight between a point in the United States and a foreign country. The conference report on the legislation makes it clear that Congress intended that the ban apply to a flight which is scheduled for 2 hours or less, regardless of the actual duration of the flight. Scheduled duration of a flight will be determined by the elapsed time shown in the current North American Edition of the OAG. The FAA has decided that the OAG should be used as the reference for scheduled time, instead of airline computer reservation systems (CRS) because of the much wider availability of the OAG. CRS are not directly available to the public; information they contain usually may be obtained only through an airline or a travel agency. The OAG is available at airline offices and ticket counters, and at travel agencies, but it is also available in many libraries and may be purchased from the publisher. The schedule information contained in the OAG is nearly identical to that in airline CRS, although it is not updated quite so frequently because of publishing schedules. Nevertheless, its wider availability makes it a better reference source for determining the duration of a flight and whether the flight is covered by the smoking ban. It will be readily available to passengers who want to determine if smoking will be prohibited on a particular flight and to FAA

inspectors who must verify compliance with the 2-hour ban.

For the purposes of the smoking ban, each segment of a multistop flight will be considered as a separate "flight." For example, a flight consisting of two segments—A to B with a duration of 90 minutes and B to C also with a duration of 90 minutes—would be considered two flights of less than 2 hours duration rather than one flight of 3 hours duration. Thus, smoking would be prohibited on both segments. On the other hand, on a flight consisting of two segments—A to B with a duration of 90 minutes and B to C with a duration of 3 hours—smoking would be banned only on the first segment.

Part 121

All airplanes used in operations under Part 121 of the FAR are currently required by § 121.317 to be equipped with passenger information signs which can be turned on and off by the crew. These signs tell passengers when to fasten their seat belts and when smoking is prohibited. Passengers are accustomed to these signs and to complying with their instructions. The no smoking signs are thus a good means for informing passengers when smoking is prohibited on a particular flight because it is of 2 hours duration or less. However, the FAA solicits comments on any problems this might cause and alternative means of carrying out the 2-hour ban on smoking. Section 121.317 currently requires that the no smoking sign (and the seat belt sign) be turned on for each landing and takeoff, and at any other time considered necessary by the pilot in command. This section is amended to include a new paragraph § 121.317(c)(1), which specifies that the no smoking sign must be turned on at all times during flight segments scheduled to last 2 hours or less, except for flights between the United States and a foreign point. Scheduled times will be determined by reference to the current OAG. Section 121.317(i) provides that this requirement will cease to be effective on April 24, 1990, since the statutory 2-hour ban expires on that date. New paragraph § 121.317(c)(2), which applies to all flights not included in the total ban on smoking, continues the current requirements for when the no smoking light must be turned on.

Currently, § 121.317(c) prohibits smoking whenever the no smoking light is turned on. This requirement is moved to a new paragraph § 121.317(g). This paragraph includes an exception which will allow the pilot in command to permit smoking in the cockpit even when the no smoking sign is necessary because the 2-hour ban applies only to

the passenger cabin and lavatory. Smoking in the lavatory is prohibited at all times by new paragraph § 121.317(h). This added language clarifies the existing requirement that lavatories be equipped with placards prohibiting smoking and carries out the new statutory ban on smoking in lavatories.

In addition, new § 121.317(e) requires that each airplane lavatory have a sign or placard which reads: "Federal law provides for a penalty of up to \$2,000 for tampering with the smoke detector installed in this lavatory." These notices, which must be in place by December 31, 1988, will help to notify passengers about the new civil penalty provision of the Act applicable to persons who tamper with lavatory smoke detectors. They will supplement the briefing that passengers receive on this provision of the Act.

The existing provisions of § 121.317 are rearranged and some editorial changes are made for clarity. An obsolete compliance date is removed.

Section 121.571(a)(1)(i) is revised to expand the required passenger briefing on smoking. The briefing must include the pertinent requirements of the FAR and of Part 252 of the economic regulations. Most carriers now include the applicable requirements of both in their briefings. The required briefing must also include a specific statement advising passengers that the FAR require compliance with no smoking signs and placards, and that the Act bans tampering with smoke alarms in lavatories. Of course, carriers are free to include more information if they desire. For example, during the briefing on a flight segment of less than 2 hours, a carrier might choose to include information on smoking on a subsequent segment which is longer than 2 hours.

Part 135

In contrast to airplanes operated under Part 121, not all aircraft operated under Part 135 are required to have passenger information signs. Section 135.177(a)(3) requires such signs only on aircraft with more than 19 passenger seats. For those aircraft, a new § 135.127 is added with requirements similar to those in Part 121. No smoking signs will have to be turned on at all times on scheduled flight segments of 2 hours or less, as shown in the current OAG. As in Part 121, this provision will expire on April 24, 1990. For other flights, the current requirement in § 135.177(a)(3) that no smoking signs be turned on for takeoff and landing, and at any other time considered necessary by the pilot in command is moved to a new § 135.127(a)(2). New § 135.127(b) prohibits smoking while the no smoking

sign is turned on, although it also includes an exception that allows smoking in the cockpit at the discretion of the pilot in command, provided the cockpit is physically separated from the passenger cabin. This means that the cockpit must be separated from the passenger cabin by a solid bulkhead, or a similar barrier, with a door that may be closed during flight. Smoking may only be permitted in the cockpit when this door is closed. Section 135.127(c) prohibits smoking in lavatories on aircraft and § 135.127(d) requires placards or signs like those required by § 121.317(e) to be installed by December 31, 1988, in aircraft lavatories equipped with smoke detectors.

Section 135.117(a)(1) concerning the required passenger briefing on smoking is amended to be substantially identical to the briefing requirement in Part 121. This briefing will serve to inform passengers on aircraft with 19 or fewer seats, which are not required to have passenger information signs, of the statutory smoking ban as well as carrier rules prohibiting smoking adopted under Part 252 of OST's rules. In fact, the new ban should have little impact on passengers on most scheduled flights operated under Part 135 because carriers, other than air taxi operators, are already required by § 252.3 of OST's economic regulations to prohibit smoking on aircraft with fewer than 30 passenger seats.

Compliance

Under the current smoking regulations administered by OST, air carriers (excepts for air taxi operators) are required to adopt and enforce various rules concerning smoking. Passengers are not subject to penalties for failure to comply with these carrier rules concerning smoking, although carriers are subject to civil penalties for failure to enforce their rules. In contrast, passengers who fail to observe the new 2-hour smoking ban may be subject to a civil penalty for smoking while the no smoking sign is lighted. Carriers will remain subject to the duty to enforce their rules on smoking imposed by Part 252 of OST's rules. In addition, the FAA also expects carriers to diligently enforce the prohibition on smoking when the no smoking light is turned on. If they do not, the FAA will consider further rulemaking on this issue. Of course, carriers remain free to adopt more stringent rules on smoking than prescribed by the FAR (or Part 252), including a total ban on all smoking on all flights. Alternatively, a carrier might choose to ban smoking on all flights in selected markets. Such a ban might help

eliminate confusion in markets where some flights were scheduled for just under 2 hours in duration and others were scheduled to be slightly more than 2 hours in duration because of adverse wind conditions, for example.

Analysis of Benefits and Costs

The FAA has estimated the costs and benefits associated with this rule by analyzing it section-by-section.

This rule incorporates the provisions which carry out Pub. L. 100-202 into the FAR and, as such, is incorporated into the Code of Federal Regulations at 14 CFR Part 121 and Part 135. The FAA's responsibility in this regard has been to devise and promulgate a set of procedures to carry out the statutory mandate that bans smoking in the passenger cabin or lavatory on any scheduled airline flight in intrastate, interstate, or overseas air transportation, if such flight is scheduled for 2 hours or less in duration. The FAA is similarly responsible with regard to the Act's new civil penalty provision which is applicable to persons who tamper with lavatory smoke detectors. The rule also adopts, in other related sections of Part 121 and 135, clarifying changes which embody current industry practice regarding smoking aboard air carrier aircraft during flight not covered by the total ban.

This rule provides a set of procedures to carry out the statutory mandate of Pub. L. 100-202, and incorporates changes that clarify current industry-wide requirements regarding smoking aboard aircraft. The costs of these procedures have been kept to a minimum, negligible amount because the FAA has employed a set of procedures that uses the duration of time the no smoking sign is lighted, the currently required safety briefing, and a simple sign or placard as the principal devices for carrying out the statutory mandate. The total cost of these requirements is negligible—the most expensive component cost being approximately one dollar to install a simple sign in a lavatory that has a smoke detector. The benefit of this rule is that the procedures give passengers an awareness of the provisions of the law regarding smoking aboard aircraft. Since passenger compliance with the law is contingent upon an awareness of the law, these procedures may be expected to increase passenger acceptance of constraints on smoking by providing timely and adequate information, thus reducing potential confusion and hostility which, in some cases, could have safety implications. This intangible benefit is not quantifiable in monetary terms.

Each change in Parts 121 and 135 is identified and explained in the detailed section by section analysis contained in the full Regulatory Evaluation placed in the Docket.

Regulatory Flexibility Determination

Since there is little or no cost associated with this rule, the FAA has determined that the rule will not have a significant economic impact on a substantial number of small entities.

Trade Impact Statement

Since this rule affects only U.S. air carriers which conduct scheduled flights of 2 hours or less in duration in intrastate, interstate, or overseas air transportation, and otherwise embodies current industry practice regarding smoking aboard aircraft, the FAA has determined that these regulations will not have an impact on international trade.

Need for Immediate Adoption

The majority of the changes made in this amendment merely carry out the prohibition on smoking on scheduled airline flights of 2 hours or less that was enacted by Congress. The change which prohibits smoking in lavatories on aircraft is partly in response to this same legislative action and in part is merely clarifying because lavatories are already placarded to prohibit smoking. The requirement for signs or placards in lavatories also carries out the new statutory ban on tampering with lavatory smoke detectors. Similarly, the expanded smoking briefing requirement is merely clarifying in nature, and largely reflects what is already the practice of most certificate holders.

Therefore, public comment on this amendment before its adoption is not likely to be helpful and could delay the effectiveness of the amendment past the effective date of the statutory ban on smoking. Such a delay is likely to cause confusion and would not be in the public interest. Comments received after the adoption of the amendment will be fully considered and any required changes in the rule will be made. For the same reasons, the FAA also finds good cause for making this amendment effective less than 30 days after publication.

Conclusion

The FAA has determined that this amendment is not major under Executive Order 12291 and that it is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). For the reasons discussed above, it also has been determined that the rule will not have a significant economic

impact on a substantial number of small entities. A copy of the full Regulatory Evaluation is filed in the docket.

The regulation set forth in this amendment is being adopted pursuant to authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*). That statute is construed to preempt State law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that this amendment does not have federalism implications warranting the preparation of a Federalism Assessment.

List of Subjects in 14 CFR Parts 121 and 135

Air carriers, Air taxis, Aircraft, Airmen, Airplanes, Air transportation, Aviation safety, Airworthiness directives and standards, Charter flights, Common carriers, Crashworthiness, Emergency evacuation, Reporting and recordkeeping requirements, Smoking, Transportation.

PART 121—CERTIFICATION AND OPERATIONS DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS, AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for Part 121 is amended to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1374(d) (as amended by Pub. L. 100-202), 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

2. Section 121.317 is amended by revising paragraph (a), revising paragraph (b) and redesignating it as (d), revising paragraph (c) and redesignating it as (f), and adding new paragraphs (b), (c), (e), (g), (h), and (i) to read as follows:

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with passenger information signs that meet the requirements of § 25.791 of this chapter. The signs must be constructed so that the crewmembers can turn them on and off.

(b) The seat belt sign shall be turned on for each landing and takeoff, and at any other time considered necessary by the pilot in command.

(c) The no smoking sign shall be turned on:

(1) During flight time on flight segments which are scheduled in the current North American Edition of the Official Airline Guide to be 2 hours or less in duration, except those flight segments between a point in the United States and a point in another country, or

(2) On flight segments other than those described in paragraph (c)(1) of this section, for each takeoff and landing, and at any other time considered necessary by the pilot in command.

(d) No person may operate a passenger-carrying airplane unless there is affixed to each forward bulkhead and each passenger seat back a sign or placard that reads "Fasten Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

(e) After December 31, 1988, no person may operate an airplane unless there is installed in each lavatory a sign or placard that reads: "Federal law provides for a penalty of up to \$2,000 for tampering with the smoke detector installed in this lavatory." These signs or placards need not meet the requirements of paragraph (a) of this section.

(f) Each passenger shall fasten that passenger's seat belt and keep it fastened while the seat belt sign is lighted.

(g) No person may smoke while a no smoking sign is lighted, except that the pilot in command may authorize smoking on the flight deck except during landings and takeoffs.

(h) No person may smoke in any airplane lavatory.

(i) The provisions of paragraph (c)(1) of this section shall cease to be effective on April 24, 1990.

3. Section 121.571 is amended by revising paragraph (a)(1)(i) to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) * * *

(1) * * *

(i) *Smoking.* Each passenger shall be briefed on when, where, and under what conditions smoking is prohibited (including, but not limited to, the pertinent requirements of Part 252 of this title). This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with the lighted passenger

information signs and posted placards. The briefing shall also include a statement that Federal law prohibits tampering with, disabling, or destroying any smoke detector in an airplane lavatory.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

4. The authority citation for Part 135 is revised to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1374(d), (as amended by Pub. L. 100-202), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

5. Section 135.117 is amended by revising paragraph (a)(1) to read as follows:

§ 135.117 Briefing of passengers before flight.

(a) * * *

(1) *Smoking.* Each passenger shall be briefed on when, where, and under what conditions smoking is prohibited (including, but not limited to, the pertinent requirements of Part 252 of this title). This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with the lighted passenger information signs (if such signs are required) and posted placards. The briefing shall also include a statement (if the aircraft is equipped with a lavatory) that Federal law prohibits tampering with, disabling, or destroying any smoke detector installed in an aircraft lavatory.

6. A new § 135.127 is added to read as follows:

§ 135.127 Passenger information.

(a) The no smoking signs required by § 135.177(a)(3) of this part must be turned on:

(1) During flight time on flight segments which are scheduled in the current North American Edition of the Official Airline Guide to be 2 hours or less in duration, except those flight segments between a point in the United States and a point in another country; or

(2) On flight segments other than those described in paragraph (a)(1) of this section, for each takeoff and landing, and at any other time considered necessary by the pilot in command.

(b) No person may smoke while a no smoking sign is lighted, except that the pilot in command may authorize smoking on the flight deck (if it is physically separated from the passenger cabin) except during takeoff and landing.

(c) No person may smoke in any aircraft lavatory.

(d) After December 31, 1988, no person may operate an aircraft with a lavatory equipped with a smoke detector unless there is in that lavatory a sign or placard which reads: "Federal law provides for a penalty of up to \$2,000 for tampering with the smoke detector installed in this lavatory."

(e) The provisions of paragraph (a)(1) of this section shall cease to be effective on April 24, 1990.

7. Section 135.177(a)(3) is revised to read as follows:

§ 135.177 Emergency equipment requirements for aircraft having a passenger seating configuration of more than 19 passengers.

(a) * * *

(3) Signs that are visible to all occupants to notify them when smoking is prohibited and when safety belts should be fastened. The signs must be constructed so that they can be turned on and off by a crewmember. Seat belt signs must be turned on for each takeoff and landing, and at other times considered necessary by the pilot in command. No smoking signs shall be turned on when required by § 135.127 of this part.

Issued in Washington, DC, on April 11, 1988.

T. Allan McArtor,
Administrator.

[FR Doc. 88-8204 Filed 4-11-88; 4:04 pm]

BILLING CODE 4910-13-M

Fast Facts

Wednesday
April 13, 1988

Part IX

The President

Proclamation 5792—National Child Care Awareness Week, 1988

Proclamation 5793—Pan American Day and Pan American Week, 1988

Proclamation 5794—John Muir Day, 1988

The first part of the book is devoted to a general survey of the history of the United States from the discovery of the continent to the present time. The second part is devoted to a detailed account of the political and social conditions of the country at the present time. The third part is devoted to a description of the natural resources of the country. The fourth part is devoted to a description of the climate and weather of the country. The fifth part is devoted to a description of the population and race of the country. The sixth part is devoted to a description of the government and politics of the country. The seventh part is devoted to a description of the economy and industry of the country. The eighth part is devoted to a description of the culture and education of the country. The ninth part is devoted to a description of the military and naval forces of the country. The tenth part is devoted to a description of the foreign relations of the country. The eleventh part is devoted to a description of the future of the country. The twelfth part is devoted to a description of the present state of the country. The thirteenth part is devoted to a description of the past state of the country. The fourteenth part is devoted to a description of the future state of the country. The fifteenth part is devoted to a description of the present state of the country. The sixteenth part is devoted to a description of the past state of the country. The seventeenth part is devoted to a description of the future state of the country. The eighteenth part is devoted to a description of the present state of the country. The nineteenth part is devoted to a description of the past state of the country. The twentieth part is devoted to a description of the future state of the country.

Presidential Documents

Title 3—

Proclamation 5792 of April 11, 1988

The President

National Child Care Awareness Week, 1988

By the President of the United States of America

A Proclamation

Caring for children is the primary responsibility of a parent. It is the task around which family life is organized, a major factor in every decision parents make about their own and their family's future, from choice of jobs and schools and neighborhoods to the selection of books, films, and every other form of instructional material or entertainment that will influence the development of the child's character and personality. Child care is also an organizing principle of society, for it is the primary means of transmitting knowledge, traditions, and moral and religious values from one generation to the next.

Sound public policy must support the family in its mission of child care. To do so effectively, public policy must increase and strengthen, not narrow and dilute, the variety of child care options open to families. It must help ensure that child care serves as an adjunct and buttress to parental guidance and love; that it reflects as far as possible the actual preferences of parents for the personal care of their precious offspring; and that it is inherently flexible, to avoid the establishment of practices or programs that defeat these ends and undermine either the well-being of children or the health of the economy.

Heightened interest in child care is a result of tremendous growth and change in the U.S. work force. Between 1982 and 1986, American business created two and one-half times as many new jobs as Japan and the major industrial countries of Europe combined. Our country is well into its sixth consecutive year of expansion—a peacetime record. Women, particularly, are moving into the salaried labor force in large numbers, and their unemployment rate has dropped nearly a full percentage point in the past year alone. According to the Bureau of Labor Statistics, nearly half of all mothers with a child under one year of age work. Today one family in six is headed by a single, divorced, or widowed woman.

Americans have responded to these changes in a number of ways, reflecting the many options parents desire and need. Family members—a sibling or grandparents—and students provide both full- and part-time day care. Churches have developed effective day care programs that supplement custodial care with the religious atmosphere many parents seek. State-licensed facilities managed by public agencies or private entities have rapidly expanded, as have corporate child care programs. Moreover, the landmark tax reform bill I signed in 1986 included a provision beneficial to all families facing child care decisions: the near doubling—to \$2,000 by 1989, with indexing thereafter—of the per-child personal exemption. This measure has restored at least a fraction of the exemption's original worth to families and more realistically reflects the rising cost of caring for children.

To be fair to all families, child care policy analysis must recognize the contributions of women who work, those who would prefer to work part-time rather than full-time jobs, and homemakers who forego employment income altogether to raise children at home. Surely all of these are "working mothers." As policy options are reviewed and implemented, we must also continue to assess carefully the growing body of research data on the effects of various

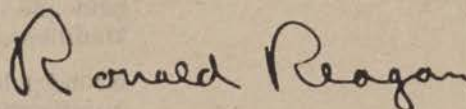
forms of child care on the emotional, psychological, and intellectual development of children.

I ask all Americans to join with me in honoring the parents, relatives, schools, churches, and institutional child care providers who take on the enormously important task of child care. Theirs is a sacred trust gladly assumed for the future of our Nation. National Child Care Awareness Week affords us a welcome opportunity to offer them recognition and encouragement.

The Congress, by Senate Joint Resolution 260, has designated the week beginning April 10, 1988, as "National Child Care Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 10, 1988, as National Child Care Awareness Week.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.



[FR Doc. 88-8262

Filed 4-12-88; 10:54 am]

Billing code 3195-01-M

Presidential Documents

Proclamation 5793 of April 11, 1988

Pan American Day and Pan American Week, 1988

By the President of the United States of America

A Proclamation

For nearly six decades, observance of the annual Pan American Day has told the world that the nations of the Western Hemisphere share a unique harmony of ideals—the love of liberty, independence, and democracy; the willingness to seek these treasures and to preserve them wherever they are found; and firm and profound opposition to totalitarianism. Each year the United States joins with countries throughout the Americas in pledging fidelity to these ideals so vital to our future.

Almost a century ago, in Washington, D.C., the First International Conference of American States made the idea of hemispheric unity a reality by establishing the International Union of American Republics, the predecessor of the Organization of American States (OAS). The common aspirations of the peoples of the Americas for freedom, independence, democracy, peace, security, and prosperity inspire the OAS, which is charged with upholding and defending these critical objectives within the Inter-American System.

The past decade has witnessed several victories for freedom and democracy in the Americas. Ten years ago, the great majority of Latin Americans lived under oppression; today, more than 90 percent of the people of the Americas live under democratic government. We can all be truly grateful for these transformations to democracy.

On April 30, the OAS will celebrate the 40th Anniversary of the signing of its Charter in Bogota in 1948—a Charter that declares, "the solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy." This principle continues to encourage brave men and women in the fight for liberty and democracy.

The OAS Charter establishes the basis for hemispheric cooperation in the peaceful settlement of disputes, economic and social development, education, and the protection of human rights. In recent years, the OAS has added a new dimension to its regional problem-solving by creating the OAS Drug Abuse Control Commission to combat narcotics trafficking and drug abuse. The United States of America accords special priority to the crucial work of the OAS in the fields of human rights and narcotics control.

The foundations of the Inter-American System emerged from the Americas' independence movements, but its consolidation dates from the signing of the OAS Charter; so it is especially fitting that we renew our commitment to the principles of the Organization of American States and its Specialized Agencies on Pan American Day this year as 40th Anniversary celebrations take place.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Thursday, April 14, 1988, as Pan American Day, and the week of April 10 through April 16, 1988, as Pan American Week. I urge the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and officials of other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-8263

Filed 4-12-88; 10:55 am]

Billing code 3195-01-M

Presidential Documents

Proclamation 5794 of April 11, 1988

John Muir Day, 1988

By the President of the United States of America

A Proclamation

April 21 is the 150th Anniversary of the birth of John Muir, naturalist, explorer, conservationist, author, champion of the American wilderness, and proponent of national parks. This Sesquicentennial Celebration reminds us of our debt to this native of Scotland who traversed our country, our continent, and the world to study and describe mountain and forest and glacier and glade, and who left us a vision of utmost respect for the wilderness and all it embodies.

After studying at the University of Wisconsin and revealing an aptitude for mechanical invention, Muir decided to embark on "the study of the inventions of God"—in the "university of the wilderness." Both observant and eloquent, he began journeys and journal-keeping to investigate nature. Success as a horticulturalist near Martinez, California, gave him the wherewithal to travel and study for a lifetime. He walked throughout his beloved Golden State, all America, and many other lands to record his observations and wrote books and articles on natural phenomena and especially on the forests he loved.

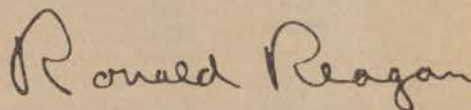
John Muir understood, and helped others to see, the significance and beauty of the wilderness—and to realize that it should be protected for future generations. The establishment of our tremendous national park system, and the practice of sound conservation policies by industry, government, and private citizens, owe much to this pioneer, who along with Robert Underwood Johnson led the fight for the creation in 1890 of what is now Yosemite National Park; who in 1903 hosted President Theodore Roosevelt in Yosemite; who wrote, "The forests of America, however slighted by man, must have been a great delight to God; for they were the finest He ever created."

Let all who revere America's natural heritage, and see in it a timeless treasure dependent upon our stewardship, pause on April 21 in grateful remembrance of John Muir, a man who forever expressed his credo in the words, "In God's wildness lies the hope of the world . . ."

The Congress, by Senate Joint Resolution 245, has designated April 21, 1988, as "John Muir Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim April 21, 1988, as John Muir Day, and I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.



MEMORANDUM FOR THE DIRECTOR, DIA

SUBJECT: [Illegible]

DATE: [Illegible]

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18. [Illegible]

19. [Illegible]

20. [Illegible]

John D. [Illegible]

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Wednesday, April 13, 1988

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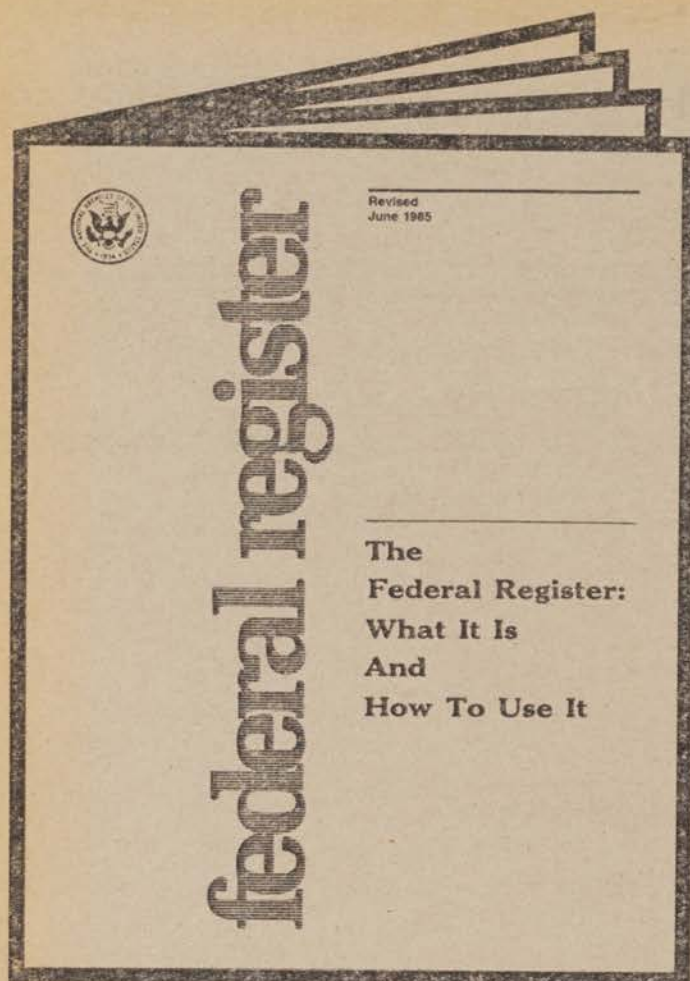
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Vol. 11

No. 1

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